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# **REGULATING PROSTITUTION IN NINETEENTH-CENTURY KENT: BEYOND THE CONTAGIOUS DISEASES ACTS**

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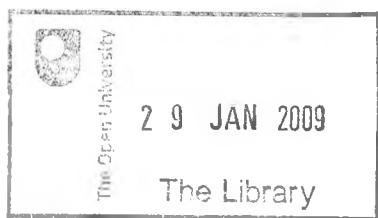
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This local study of the regulation of prostitution in Kent in the third quarter of the nineteenth-century positions itself at the centre of a vigorous and long-standing academic debate about the significance of the three Contagious Diseases Acts of 1864, 1866 and 1869. This debate has until now been dominated by scholarship based on the circumstances pertaining in the south coast ports of Devonport and Southampton as revealed by Judith Walkowitz, which has come to represent the history of prostitution and of its regulation in the period. The ten subjected districts of Kent by contrast have received little scholarly attention yet the evidence relating to these, as uncovered by this study, poses a considerable challenge to the received view.

The impact of the CD Acts on the street prostitutes of the Kentish ports, garrisons and dockyards is here examined at ground level in the wider context of the material conditions amidst which the women lived and worked exclusive of the legislation. Particular attention is paid to the extent and scope of the regulation of prostitution outside of the CD Acts, which has been largely ignored in the historical literature. The Kentish evidence reveals that the broad framework of regulatory measures imposed on street prostitutes as part of the wider drive to impose higher standards of public order and respectability often posed a more frequent and punitive hazard than the policing regime carried out under the provisions of the CD legislation. A novel local case study of one subjected district, namely Gravesend, allows an exploration of the geography of prostitution and the spatial relationships between streetwalkers and the communities in which they lived.

The evidence presented leads to the conclusion that for many of the women who practised prostitution in the Kentish dockyards, ports and garrisons the CD Acts represented less an exceptional trauma than an occupational hazard and one further obstacle to be negotiated in the struggle to eke out a living at the margins of society.

# Contents

## List of Tables, Figures Maps and Images

i

<b>1 Introduction</b>	<b>1</b>
<b>2 Prostitution in Kent</b>	<b>35</b>
Origins, Life-cycle and Outcomes	38
Prostitution and Poverty	38
Occupational Backgrounds	43
Clientele	48
Residence	53
Self-Determination	57
Outcomes of Prostitution	63
Prostitution and Life-Cycle	73
Venereal Disease	79
Living and Working Conditions	82
Living Arrangements	82
Reformatories	88
Public Demeanour	91
Theft	93
Drunkenness	98
Violence	102
Conclusion	107
<b>3 Policing and Prostitution in Kent</b>	<b>109</b>
Regulating Prostitution	112
Policing in Kent	118
The Judiciary	126
Local Governance	132
Policing the Streets	134
Policing Prostitution	144
Soliciting	149
Policing Houses of Ill-Fame	165
Punishment	170
Conclusion	176

<b>4 The Geography of Prostitution: A Case Study of Gravesend</b>	<b>178</b>
Urban Development	183
Geography of Prostitution: Town Centre	191
Geography of Prostitution: Peppercroft Street and Clarence Street	212
The Geography of Policing	220
Women in Public and Public Women	234
Conclusion	240
<b>5 The Contagious Diseases Acts in Kent</b>	<b>242</b>
Policing the Contagious Diseases Acts	250
Medical Examination	265
Prosecution under the Criminal Justice System	278
Repeal Agitation	283
Imprisonment	294
Fear of Imprisonment	297
Avoidance of Public Appearance at Magistrates' Court	301
Coercion and Trickery	304
Advantages of the Acts	306
Hospitalization	310
Conclusion	315
<b>6 Conclusion</b>	<b>318</b>
<b>Bibliography</b>	<b>325</b>

## Tables, Figures, Maps and Images

Tables	Page
2.1 Occupations of Prostitutes' Parents	45
2.2 Prostitutes' Other Occupations	47
2.3 Prostitutes' Clients	49
2.4 Family Status of Kent's Prostitutes	51
2.5 Metropolitan Police Statistics on Prostitutes by Age	74
2.6 Age of Prostitutes Known to Local Police, 1862	76
3.1 Maidstone Gaol: Hard Labour Regime for Female Prisoners, 1866	174
5.1 Total Number of Voluntary Submission Forms Signed, compared with Examinations on Magistrate's Order: All Kentish Stations, 1866-1881	273
Figures	
2.1 Length of Time spent by Kent's Prostitutes on the Street	66
2.2 Brothels 1870	84
2.3 Brothels 1875	84
3.1 Prosecutions of Prostitutes, National figures	113
3.2 Prostitutes as Percentage of all Women Proceeded against Summarily and by Indictment, National Figures	114
3.3 Prosecutions of Prostitutes, Kent: Under CD Acts and under Local Policing	117

3.4	Prosecution of Prostitutes: Gravesend	147
3.5	Charges brought against Prostitutes as reported in the Local Press: Gravesend 1856-1879	151
3.6	Convictions for Soliciting, Gravesend 1856-1879: Sentences	153
3.7	Prosecution of Prostitutes, Sheerness: Vagrancy Act 1869-1879	157
4.1	Gravesend Police Officers 1870 Cohort: Places of Origin	223
4.2	Gravesend Police Officers 1870 Cohort: Length of Service	225
5.1	Medical Examinations as % of Maximum Possible, 1870-1881	271
5.2	Average number of Voluntary Submissions Compared with Average Number of Registered Women, 1866-1881	274
5.3	Yearly Summons for Non-compliance, all Kentish stations	280
5.4	Summons for Suspected and Registered Prostitutes before Magistrates 1865-1881	282
5.5	Summons for Non-Compliance, Canterbury and Gravesend 1870-1881	286

## Maps

1.1	Kent, showing the Port, Garrison and Dockyard towns made subject to the Contagious Diseases Acts	27
4.1	The Geography of Prostitution: Gravesend, location of Brothels 1856-1879	188
4.2	The Geography of Prostitution: Gravesend, arrests for Soliciting, 1856-1879	189
4.3	The Geography of Prostitution: Gravesend, location of Public Houses used by Prostitutes, 1856-1879	190
4.4	High Street and West Street, Gravesend	199
4.5	Peppercroft Street/Clarence Street, Gravesend	214

4.6	The Geography of Prostitution: Gravesend, Mary Patrick and William King, 1857	219
4.7	Police Officers' Residences, Gravesend	230

## Images

4.1	Gravesend High Street, showing the Town Hall (1844)	200
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## 1: Introduction

Given the large volume of scholarship that has been produced over the past forty years, both on nineteenth-century prostitution and also more specifically on the Contagious Diseases Acts (CD Acts), the justification for yet another study on the same subjects might very reasonably be questioned. This thesis was born out of the observation that despite ten of the eighteen English districts made subject to the controversial CD legislation having been located in the county of Kent, these have attracted little scholarly attention.<sup>1</sup> In contrast the experience of, and circumstances pertaining in other subjected districts, specifically the south coast ports of Southampton and Devonport have dominated the historiography and have consequently come to represent the history of the Acts and of prostitution in the period. In addressing this discrepancy, this thesis responds to F.B. Smith's call for further 'detailed local studies' that investigate the impact of the CD legislation at a regional level.<sup>2</sup>

Prostitution was pervasive in many Kentish locations due to a combination of supply and demand factors; poor employment opportunities for women together with the presence of large numbers of naval and military personnel. Reports of incidents of soliciting and other offensive public behaviour perpetrated by prostitutes filled the columns of the local press in the

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<sup>1</sup> With the exceptions of Brian Joyce, *The Chatham Scandal: A History of Medway's Prostitution in the late 19th Century* (Rochester: Baggins Book Bazaar/Bruce Aubry, 1999) and Deborah Cheney, 'The Hateful Ordeal at Seven Star Street: The Operation of the Contagious Diseases Acts in Dover, Kent 1870-1886' (University of Kent, Canterbury, MA Dissertation, 1990).

<sup>2</sup> F.B. Smith, 'The Contagious Diseases Acts Reconsidered', *Social History of Medicine*, 3 (1990), 197-215 (footnote 43, p. 208).

third quarter of the nineteenth century and fears of the breakdown of order were expressed throughout the county. In Chatham for instance, there were complaints of prostitutes 'on every corner of our streets' and in Sheerness of 'prostitutes walking the streets unbonnetted'.<sup>3</sup> Likewise in Dover, the vicar of St. Mary's reported being unable to walk down the street in peace without being 'assailed', such was the level of public solicitation.<sup>4</sup> Local discourse, reflecting national debates, articulated the so-called 'social evil' in terms of a problem requiring action and remedy. An 1860 Chatham newspaper editorial observed that:

we have it (vice) in its coarsest form constantly thrust before us. To assist in rescuing any individual from such a life of horror as that of an 'unfortunate' is a good deed.<sup>5</sup>

In 1871 a Canterbury resident complained of that city's

flagrant toleration of immorality... notoriously loose women promenade the principal walks and places of resort without apparently any surveillance.<sup>6</sup>

A Gravesend resident likewise lamented that:

Even a casual visitor to Gravesend cannot fail to observe the prostitution that displays itself in our thoroughfares, or the vice and degradation therefrom arising. 'Oh tempora! Oh, mores!' Look at those, who, having been once betrayed, sacrifice their once prized honour and a priceless soul for illicit gain or a nefarious livelihood. The alleys and courts of the town swarm with "unfortunates", whose obloquy and shame are manifest.<sup>7</sup>

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<sup>3</sup> *Sheerness Guardian*, 20 May 1865 quoted in Philip MacDougall, *Chatham Past*, (Chichester: Phillimore, 1999), p. 72.

<sup>4</sup> *Royal Commission upon the Administration and Operation of the Contagious Diseases Acts, PP, 1871* (c.408 – c.408-1), XIX (hereafter 1871 Royal Commission), p. 639.

<sup>5</sup> *Chatham News*, 17 March 1860.

<sup>6</sup> *Kentish Gazette*, 9 May 1871.

<sup>7</sup> *Gravesend and Dartford Reporter*, 9 April 1864.

The views of these residents as expressed in the local press reveal that community discourse on the perceived problem of ‘the social evil’ reflected the complete spectrum of contemporary attitudes, and the same tensions and contradictions that were manifest in the wider national and professional published commentary. The streetwalker was deemed to flout society’s codes and conventions on female behaviour and dress; she ‘swarmed’ like an animal yet was at the same time a soiled dove; she was the victim of betrayal yet was predatory; dirty yet ostentatious, degraded yet assertive. She violated all notions of public respectability and impeded mercantile endeavour by obstructing the public thoroughfare, thus her offending behaviour ought to be restrained and her freedoms curtailed. The common theme was the need for regulation and control. Proposed remedies for the perceived ‘problem’ of street prostitution ranged from castigation and suppression, to rescue and reform. The common denominator was the need for social action. The Mayor of Gravesend for example, gave directions in 1857 to the police to arrest all women found soliciting, ordering that ‘the town must be cleared of prostitutes’.<sup>8</sup>

A fuller understanding of the local discourse in respect of prostitution is gained from looking at the national debate. The mid nineteenth-century witnessed an outpouring of writing on the subject, described by one historian as a ‘sudden burst of books’, in which prostitution was redefined as a social problem in need of social action.<sup>9</sup> This literature attempted to quantify and define the perceived problem, to uncover its causes and consequences, and to

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<sup>8</sup> *Gravesend and Dartford Reporter*, 19 December 1857.

<sup>9</sup> Eric Trudgill, *Madonnas and Magdalens: The Origins and Development of Victorian Sexual Attitudes* (London: Heinemann, 1976), p 283.

suggest a remedy. Whilst much of this writing has been accused of ‘intellectual impoverishment’ and of consisting of ‘the impressions, opinions or bawdy anecdotes of middle-class gentlemen’, the complex and contradictory myths it created have nevertheless had a significant and lasting influence both on professional and popular discourse and in many cases on modern scholarship.<sup>10</sup>

As Miles Ogborn has observed, nineteenth-century debates surrounding the ‘Great Social Evil’ crossed over several currents of contemporary concern, ‘combining medical discourses of disease control, moral discourses over the ordering of dangerous sexualities, and legal discourses of crime and punishment.’<sup>11</sup> A range of contradictory stereotypes emerged both to define the prostitute and to account for a woman’s move into prostitution, and these can be seen in terms of sets of polarised opposites. One of the most enduring pair of images, that of ‘prostitute as autonomous agent’ in opposition to ‘prostitute as helpless victim’, was a recurring theme and one to which this study will return. It would be an over-simplification however, to view the debate on prostitution in terms of the replacement of one paradigm by another. More accurately, a number of models co-existed in the professional and popular discourses, which have been described as a ‘loose and pluralistic collection of ideas and images’ and which, as has been seen, were widely disseminated at a local level.<sup>12</sup> The degree to which the prostitute was the agent of her own destiny on the one hand, or a victim of circumstances on the other, was a persistent theme within the commentary.

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<sup>10</sup> Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge: Cambridge University Press, 1980), p. 41; Frances Finnegan, *Poverty and Prostitution: A Study of Victorian Prostitutes in York* (Cambridge: Cambridge University Press, 1979), p. 15.

<sup>11</sup> Miles Ogborn, ‘Law and Discipline in Nineteenth Century English State Formation: The Contagious Diseases Acts of 1864, 1866 and 1869’, *Journal of Historical Sociology*, 6 (1993), 28-55, (p. 35).

<sup>12</sup> Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis 1730-1830* (London: Pearson Education, 1999), p. 189.

Leading French public hygienist A.J.B. Parent-Duchatelet had been the first to challenge traditional, received accounts of the prostitute's inevitable downward path into destitution, disease and early death by suggesting that prostitution was a temporary and transitional phase through which some women of the labouring poor passed before being re-assimilated into the ranks of the respectable working classes. Parent-Duchatelet, according to Jill Harsin, made the first scientific attempt to quantify and analyse the perceived problem of prostitution.<sup>13</sup> His study of Parisian prostitution, which took from 1828 until 1836 to research and write, is unique in its use of detailed documentary sources. Its conclusions suggested that prostitutes had a degree more self-determination than traditional stereotypes had allowed for and that they were not permanently excluded from the ranks of the respectable working poor.

William Acton, venereologist, member of the Royal College of Surgeons and prolific contributor to the *Lancet*, whose major 1857 work *Prostitution* was based on his own survey of the patterns of prostitution in London, endorsed this thesis. Acton claimed that prostitutes were often better fed and enjoyed better health than their counterparts who worked long hours for little pay as dressmakers or laundresses.<sup>14</sup> Making the case for state regulation as a means of containing sexually transmitted disease, Acton challenged what he considered to be three 'vulgar errors' regarding the downward progress of the prostitute, namely that there was no escape from prostitution, that prostitution led inevitably to moral and physical decline and that this decline was short and rapid.<sup>15</sup> On the contrary, Acton argued that vast numbers of women who engaged in occasional and part-time prostitution merged inconspicuously into the mass of the working poor and were either re-assimilated back into this class after a few years

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<sup>13</sup> Cited in Jill Harsin, *Policing Prostitution in Nineteenth-Century Paris* (Princeton: Princeton University Press, 1985).

<sup>14</sup> William Acton, *Prostitution*, ed. by Peter Fryer (London: Macgibbon & Kee, 1968; first published 1857), p. 129.

<sup>15</sup> *Ibid.*, p. 59.

on the streets or took advantage of the opportunity for upward social mobility.

According to his twentieth century editor, Acton challenged ‘the conventional parable that prostitutes necessarily rotted in ditches, died miserable deaths in workhouses, or perished in hospitals.’<sup>16</sup>

This conventional parable defined prostitution in terms of permanent social ostracism and an inevitable decline into disease, destitution and early death. It was defended by writers such as William Tait, William Logan and W. R. Greg, who each rejected Parent-Duchatelet’s thesis and reinforced the traditional, previously held ‘downward spiral’ stereotype. Tait was house surgeon to the Edinburgh Lock Hospital and secretary of the Edinburgh Society for the Protection of Young Girls. His 1840 survey of prostitution in Edinburgh was evangelical in tone, condemned male sexual license and identified poverty and unemployment as contributory factors. William Logan, a city missionary for over twenty years, based his writings on prostitution on his extensive first hand experience in lock hospitals, Magdalen asylums and workhouses in English, Irish and Scottish cities, most notably in Glasgow. Logan rejected Acton’s thesis of prostitution as a temporary phase, considering it ‘nonsense, absolute and unmitigated’.<sup>17</sup>

The ‘downward spiral’ model was further reinforced by W.R. Greg, contributor to the radical political *Westminster Review*, who made an emotive plea for a more compassionate attitude towards the prostitute, concluding in agreement with Tait and Logan that ‘the career of these women is a brief one; their downward path a marked and

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<sup>16</sup> Fryer’s introduction to Acton, *Prostitution*, p. 12.

<sup>17</sup> Quoted in Trudgill, *Madonnas and Magdalens*, p. 103.

inevitable one'.<sup>18</sup> Greg was amongst those commentators who identified the prostitute as a victim either of circumstances such as poverty or upbringing, of her own 'weakness', or of mistreatment by a male seducer. Urging a public attitude of 'grief and compassion rather than indignation and contempt' for the prostitute, Greg nevertheless concluded that prostitution was unavoidable and argued for state regulation.<sup>19</sup>

A rhetoric of contagion and disease was mobilised in much of the contemporary discourse, influenced by the growing authority of the medical profession. The image of the prostitute as an agent of destruction and conduit of contagion was juxtaposed with that of the deserving recipient of compassionate charity. Whilst these stereotypes pre-date the nineteenth century they became more fully developed and more widely disseminated over time as prostitution was increasingly perceived to be a significant social problem in need of a remedy. The 'agent of decay and contagion' image combined concepts both of moral and physical pollution and contamination. The physical dimension originated in the medical discourse on venereal disease, the spread of which was attributed largely to prostitutes, and to wider themes of contamination that informed sanitary reform debates: 'Prostitutes have been allowed to spread infection on all sides of them without control', Greg claimed.<sup>20</sup> Moral decay became added to the imagery by writers working within an evangelical tradition such as Michael Ryan, for whom prostitution represented a threat to marriage, the patriarchal family and to conjugal love. These writers demanded a single standard of sexual conduct and a purity of sexual relations.<sup>21</sup>

In contrast to this model was the stereotypical image of the prostitute as a deserving recipient of compassion and charity which, it has been claimed, was

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<sup>18</sup> W.R. Greg, 'Prostitution', *Westminster Review*, 53 (1850), 238-268 (p. 241).

<sup>19</sup> Greg, 'Prostitution', p. 243.

<sup>20</sup> *Ibid.*, p. 261.

<sup>21</sup> Cited in Trevor Fisher, *Prostitution and the Victorians* (Stroud: Alan Sutton, 1997), pp. 1-7.

mobilised by reform workers to generate financial support for Magdalene homes and in the words of one historian, ‘to soften the hearts of potential benefactors.’<sup>22</sup> William Dodd, preacher at the London Magdalen home for example, defined the prostitute as more sinned against than sinning, the victim of male exploitation and of the dual sexual standard. Nevertheless, however much she was constructed as worthy of sympathy, once having fallen the Magdalen was unable to be rehabilitated into respectable society, and thus the most appropriate ending for the ‘prostitute as victim’ was an early, repentant death, a symbolic event that was repeated in numerous fictional accounts.<sup>23</sup>

Themes of regulation and control run throughout the early literature and national public discourse on prostitution and, as has been seen, these were taken up in local discourse in Kent. Many contributors to the national debate had gained experience in institutions such as asylums and lock hospitals. Others such as Acton wrote to further the cause of state regulation, which was introduced in England and Ireland to a limited degree by the controversial CD Acts. This series of legislation was enacted in 1864, 1866 and 1869 in the United Kingdom as part of an attempt to reduce venereal disease amongst the armed forces. It formed part of a wave of late nineteenth century reform in the areas of sanitation, public health and social welfare and has subsequently been, as Frances Finnegan has observed ‘loudly deplored by historians and feminists alike’.<sup>24</sup>

The Acts legislated for the compulsory medical examination and hospitalisation (on diagnosis of infection with venereal disease) of women who were identified as practising prostitution in a specified number of ports and garrison towns in England and Ireland. Penalties were applied to women who refused to submit to examination and to brothel-keepers who allowed women known or suspected to be infected with venereal

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<sup>22</sup> Trudgill, *Madonnas and Magdalens*, p. 277.

<sup>23</sup> For example, the demise of Esther in Elizabeth Gaskell, *Mary Barton* (Harmondsworth: Penguin, 1983; first published 1848), p. 465.

<sup>24</sup> Frances Finnegan, *Do Penance or Perish: A Study of Magdalen Asylums in Ireland* (Piltdown, Co. Kilkenny: Congreve Press, 2001), p. 2.

disease to practise prostitution on their premises. The legislation did not provide for the equivalent examination of prostitutes' male clients.

The CD Acts were deeply divisive and provoked strong feelings on the part of supporters and opponents alike, prompting a widespread national public debate. The legislation was finally repealed in 1886 following a sixteen-year long, high profile and passionately argued abolition campaign. The Acts' supporters, who included members of the medical profession and a large number of local officials in the towns to which they applied, believed them to have considerable medical, public health and public order benefits.<sup>25</sup> Dissent took the form of a wide range of moral, libertarian and egalitarian objections, articulated by a broad coalition of opponents of which the best-known is the women's branch of the protest movement, the Ladies' National Association, (LNA) led by the charismatic Josephine Butler.

The propaganda war that ensued between supporters and opponents of the Acts from the time that opposition to the legislation was mobilised in 1870 until their final removal from the statute book in 1886 generated a mass of documentary literature. Much of this was created by the repeal campaign, particularly by the LNA, consisting largely though not exclusively of its publication the *Shield* and of Butler's own voluminous writings. Other repeal publications included the Wesleyan Society for Repeal's *Methodist Protest* and the *National League Journal*, produced by the Working Men's National League, supplemented by an energetic publishing exercise that produced tracts, posters and leaflets as a means of influencing public opinion.<sup>26</sup>

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<sup>25</sup> See for example the evidence of Adam Stigant, Report from the Select Committee on Administration and Operation of Contagious Diseases Acts, *PP* 1881 (351) VIII, pp. 252-268.

<sup>26</sup> See Paul McHugh, *Prostitution and Victorian Social Reform* (London: Croom Helm, 1980), p. 135.

Government and Parliamentary activity in relation to the administration of the Acts also generated a wealth of official documentation. The 1871 Royal Commission, set up in response to the failure of MP William Fowler's Repeal Bill, sat forty five times and took evidence from eighty three witnesses, including a number from the Kentish subjected districts. The Parliamentary Select Committee on the Administration and Operation of the Acts submitted its final report until 1882, having been re-appointed four times, issued four interim reports and having heard evidence from seventy-one witnesses. The final report, produced in 1882 ran to over 800 pages including appendices.<sup>27</sup>

This wealth of contemporary documentation has provided a fruitful source of evidential material for historians of nineteenth-century prostitution and sexuality, albeit that much of the evidence has a centralised rather than local perspective. These subjects emerged in the late twentieth century as legitimate fields of historical enquiry as, in the words of Judith R. Walkowitz, 'the centrality of prostitution to the social and political life of the period' began to be appreciated.<sup>28</sup> Since this time a sizeable, rich and varied historiography has been produced. Historians have approached their subject from a broad range of perspectives, have worked within a variety of theoretical frameworks and have adopted widely differing methodologies.

An early contribution to this emergent body of literature was Eric Trudgill's study of nineteenth-century female cultural stereotypes as portrayed in professional literature, art and in fiction. Trudgill explored the connections between the cult of

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<sup>27</sup> Report from the Select Committee on Administration and Operation of Contagious Diseases Acts; *PP* 1868-69 (306-306.1) VII (hereafter Select Committee 1868); *PP* 1878-79 (323) VIII, (hereafter Select Committee 1878); *PP* 1880 (114) VIII, (hereafter Select Committee 1880); *PP* 1881 (351) VIII (hereafter Select Committee 1881); *PP* 1882 (340) IX (hereafter Select Committee 1882).

<sup>28</sup> Judith R. Walkowitz, *Review of Poverty and Prostitution: A Study of Victorian Prostitutes in York by Frances Finnegan, and Prostitution and Victorian Social Reform by Paul McHugh, Journal of Social History*, 16 (1983), 145-147, (p. 145).

domesticity and the market in prostitution, and the construction of the 'Magdalen' archetype as set up in opposition to the 'Madonna' image of the respectable middle-class wife and mother.<sup>29</sup> In tracing the origins of the premium put on feminine purity to the 'property mentality' of the mercantile classes, and that of 'genteel affectation' to bourgeois class consciousness, Trudgill explored the cultural, economic and religious influences that underlay a range of common formulaic images. A similar approach has been taken by fine art historian Lynn Nead, who has discussed the range of stereotypes of the prostitute disseminated through the medium of paintings and other forms of cultural representation. For Nead, the figure of the prostitute symbolised the fears and anxieties of the period during times of social crisis. Prostitution was perceived as a threat, she argued, because of its very visibility.<sup>30</sup>

In contrast, Frances Finnegan's study of prostitution in York between 1837 and 1887 took a markedly different approach, aiming to examine the problem at ground level. Finnegan's self-styled 'pioneering' methodology consisted of a detailed reconstruction of the circumstances of 1,400 prostitutes and brothel keepers, by means of systematic record linkage between a range of local documentary sources that had previously been little used. These included court reports, poor law records, newspapers and the records of the York Penitentiary Society. Finnegan's focus was the women themselves rather than the institutional aspects of prostitution, her aim being to explore the 'reality of the Victorian prostitute's life' thus consciously positioning her study within the movement towards history 'from below'.<sup>31</sup> This claim could be argued to represent a degree of empiricism not theoretically possible, thus touching on some

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<sup>29</sup> Trudgill, *Madonnas and Magdalens*, p. 120.

<sup>30</sup> Lynn Nead, 'The Magdalen in Modern Times: The Mythology of the Fallen Woman in Pre-Raphaelite Painting' *Oxford Art Journal*, 7 (1984), 26-37, (p. 30).

<sup>31</sup> Finnegan, *Poverty and Prostitution*, pp. 14 -15, 212.

fundamental issues relative to the practice of history.<sup>32</sup> *Poverty and Prostitution* provides a close study of the lives, living and working conditions and outcomes of women who earned money by prostitution in York in the mid nineteenth century, based on local, street level evidential material. This methodological approach contrasts with that of some other historians who, Finnegan claimed, 'have written and generalised on the subject, relying almost entirely on secondary sources'. Finnegan's approach has earned criticism from some quarters for the paucity of its theoretical underpinning, for ignoring political issues, and furthermore for its propagation of a model that defines the prostitute as victim.<sup>33</sup> Finnegan concluded by refuting Dr. William Acton's thesis of prostitution as a temporary and short-term phase through which many women of the working poor passed before becoming re-assimilated into the ranks of the respectable working classes. On the contrary, she argued, the evidence from York endorsed the traditional image of the prostitute 'as a demoralised creature treading the downward path ending in drunkenness, destitution and disease'.<sup>34</sup>

More recently, in her study of social and religious attitudes to prostitution in Ireland Maria Luddy, whilst making the general link between prostitution and financial hardship has pointed specifically to the Irish economic structure as a significant feature, noting the lack of employment opportunities available to women in an economy in which industrialism played little part. In interrogating the relationships between prostitutes and their communities, Luddy points to the roles played by the judicial and Poor Law systems in prostitutes' makeshift economies, emphasising themes of

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<sup>32</sup> See for example, the discussion of theoretical approaches in John Tosh, *The Pursuit of History: Aims, Methods and New Directions in the Study of Modern History* (London: Longman, 2<sup>nd</sup> edn. 1991), pp. 102-103, 142.

<sup>33</sup> See Gail S. Clark, Review of *Poverty and Prostitution: A Study of Victorian Prostitutes in York* by Frances Finnegan, *Journal of Interdisciplinary History* 11 (1981), 536-537; Walkowitz, Review of *Poverty and Prostitution* p. 145; Linda Mahood, *The Magdalenes: Prostitution in the Nineteenth Century* (London: Routledge, 1990), p. 103.

<sup>34</sup> Finnegan, *Poverty and Prostitution*, p. 8.

‘visibility’ and ‘containment.’<sup>35</sup> This study shows a greater appreciation for the heterogeneous nature of women who took to prostitution than is demonstrated by the Finnegan model, noting that ‘for some women prostitution was a way of life, but for others it was a casual occupation.’<sup>36</sup>

These contributions to the historiography contrast with those of historians who take a more theoretical and sociological approach, such as Linda Mahood’s investigation of prostitution in nineteenth-century Scotland. Focussing on the institutional, political and sociological aspects of her subject, Mahood eschewed an exploration of the individual experience of prostitution at ground level, consciously rejecting naturalistic or empirical techniques that treat prostitution as an ‘objective form of human behaviour’ and a category to be counted and analysed.<sup>37</sup> Working within a Foucaultian, theoretical social control framework Mahood investigated the processes of regulation that were brought to bear on Scottish prostitutes by a range of nineteenth century medical, moral reform and penal institutions such as penitentiaries and lock hospitals, in Glasgow and Edinburgh.

The movement for the rescue and reform of prostitutes has been the focus of a number of studies. Reform institutions have been investigated by Frances Finnegan and Maria Luddy in relation to Ireland, and by Paula Bartley in relation to England.<sup>38</sup> Bartley’s approach to the study of rescue and preventative work in relation to prostitution demonstrates an appreciation of the complex interplay between religious, gender and class influences and of the distinctive approaches employed by a wide range of reformatory institutions and organisations. Nevertheless, Bartley’s conclusions tend

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<sup>35</sup> Maria Luddy, *Prostitution and Irish Society*, (Cambridge: Cambridge University Press, 2007), p. 36.

<sup>36</sup> *Ibid.*, p. 44.

<sup>37</sup> Mahood, *The Magdalenes*, p. 13.

<sup>38</sup> Finnegan, *Do Penance or Perish*; Luddy, *Prostitution and Irish Society*; Paula Bartley, *Prostitution: Prevention and Reform in England, 1860-1914* (London: Routledge, 2000).

to support the view of reform activity as a mechanism of regulation and control of poor working-class women and of reform institutions as penal bodies in which gender unity between female staff and inmates was undermined by class difference. Ultimately, Bartley argues, 'Reformers shared an identical rehabilitative goal of reshaping young working-class women into honest, reliable, compliant, morally upright and hard-working domestic servants.'<sup>39</sup> Luddy argues that in Ireland, these institutions at least offered 'shelter and respite for many destitute women'.<sup>40</sup>

Thus a number of studies have explored the broad range of mechanisms and discourses that were mobilised for the regulation, control and reform of the late eighteenth and nineteenth-century prostitute. Yet out of this diverse regulatory framework, the received historical view inevitably focuses on the Contagious Diseases legislation as a uniquely brutal mechanism of repression brought to bear on a group of powerless and outcast women. Some historians of the CD Acts have chosen to examine them in the wider context of the history of sexuality, exploring the interplay between attitudes towards morality, sex, health and disease. Locating the CD Acts within the wider narrative of government intervention into public health, sanitation and housing, Frank Mort's focus was the medical profession's ascendancy over the course of the mid nineteenth-century and the complex relationship between medicine, morality, and the surveillance and regulation of sexual behaviour. Certain 'regimes of sex', according to Mort, were produced by medical and other powerful discourses that targeted vulnerable groups. These in turn generated forms of resistance.<sup>41</sup> This approach puts the focus back on the sanitary principle and on the 'medical misogyny' responsible for CD Acts, often missing from accounts that have concentrated exclusively on gender politics.<sup>42</sup>

<sup>39</sup> Bartley, *Prostitution: Prevention and Reform*, p. 46.

<sup>40</sup> Luddy, *Prostitution and Irish Society*, p.239.

<sup>41</sup> Frank Mort, *Dangerous Sexualities: Medico-Moral Politics in England since 1830* (London: Routledge & Kegan Paul, 1987).

<sup>42</sup> *Ibid.*, p. 83.

Jeffrey Weeks, whose wide-ranging survey of the history of sexuality interrogated the complex relationship between moral reform and the control of sexual behaviour, saw the CD Acts as a mechanism of social control specifically with regard to their negative impact on prostitutes' social integration and the ease with which women had previously been able to move in and out of prostitution. Weeks also argued that there was a widespread tolerance of prostitution and no serious attempts at repression prior to the CD Acts.<sup>43</sup>

An alternative strategy has been to locate the Acts and the campaign to have them repealed in the wider context of Victorian liberal politics and non-conformist reform movements. This interpretation locates the anti-CD Acts campaign within the broader wave of social reform activity that comprised pressure groups such as the temperance and anti-vaccination movements. Brian Harrison adopted this approach, exploring the shared political philosophy between CD Acts abolitionists and a number of other protest groups, and examining the nature of the repeal campaign, which was argued on moral rather than practical and sanitary grounds.<sup>44</sup> Most significantly however, Harrison pointed to the inherent philosophical contradiction in the LNA's position, which protested against state intervention with regard to the regulation of prostitution, but favoured state intervention in so far as the prosecution of brothel-keepers and pornographers, and the raising of the age of consent were concerned. Building on Harrison's work, Paul McHugh posed a challenge to previous studies of the CD Acts, which he claimed had been excessively concerned with their relationship to the history of women's emancipation.<sup>45</sup> In a detailed narrative of the Parliamentary

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<sup>43</sup> Jeffrey Weeks, *Sex, Politics and Society: The Regulation of Sexuality since 1800*, 2<sup>nd</sup> edn. (Harlow: Longman, 1989), pp. 84-85.

<sup>44</sup> Brian Harrison, 'State Intervention and Moral Reform in Nineteenth Century England' in Patricia Hollis, (ed.) *Pressure from Without in Early Victorian England* (London: Edward Arnold, 1974), p. 289.

<sup>45</sup> McHugh *Prostitution and Victorian Social Reform*, p. 30.

procedures that led to the enactment of the legislation, the numerous enquiries into its operation and the long campaign for its repeal, McHugh's focus was political and centralised rather than local and individual, utilising government and national records. By means of a meticulous examination of the metropolitan and provincial elements of the repeal movement and the wider political, religious and reform affiliations of its membership, McHugh investigated the social and political questions raised by the abolition campaign. With its focus on the campaign as a radical rather than exclusively feminist reform movement, this work helped to restore the profile of the less well-known male leaders of the campaign, such as front bench Liberal MP James Stansfeld and provincial activist Henry Wilson, 'the movement's workhorse'.<sup>46</sup> This approach, however, has earned its author the criticism of 'ignoring the social dimensions of the question' and for desiring to 'retrieve the repeal campaign from the narrow, 'fringe' territory of feminist history'.<sup>47</sup>

Inevitably, given the symbolic status that the Acts and the repeal campaign have attained in the history of women's emancipation, historians for whom gender represents the primary category of social analysis have been at the forefront of academic debate in this field. Recent feminist historiography, which puts the 'exclusive focus on female agency, on the causal role played by women in their own history', has interpreted women's roles in history in terms of autonomy and independence.<sup>48</sup> It is arguably the case that the CD Acts have earned an iconic status in women's history precisely because a narrative of the defiance of the Acts by subjected prostitutes combined with the organised opposition of middle-class female activists constitutes an account of women's victory over gender exploitation, sexual repression and male power and supremacy that

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<sup>46</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 24.

<sup>47</sup> Walkowitz, Review of *Prostitution and Victorian Social Reform*, p. 146.

<sup>48</sup> Joan Wallach Scott, *Gender and the Politics of History* (New York: Columbia University Press, 1999), p. 20.

is, to quote Finnegan, irresistibly 'satisfying from a feminist viewpoint'.<sup>49</sup> The question is begged however, why the CD Acts have earned such a unique place in the history of women's repression compared for example, with the incarceration of prostitutes in penitentiaries and Magdalen asylums, or the treatment of destitute unmarried mothers.<sup>50</sup>

As Jose Harris has observed, 'Feminists who had been outraged by the affront to personal liberty posed by the Contagious Diseases Acts in the 1860s and 1870s were curiously silent about the Mental Deficiency Act of 1913, which permitted the permanent detention of feeble-minded unmarried mothers dependent on poor relief'.<sup>51</sup> The undoubted attraction of a narrative of defiance of the CD Acts for a feminist view of the legislation has, it could be argued, led to an over-interpretation of levels of resistance and disobedience of the legislation on the part of subjected prostitutes. Feminist historians have emphasised the collaborative protest of middle-class female activists and prostitutes in the subjected districts which becomes, according to this interpretation, a defining moment in women's history.<sup>52</sup> Challenging the official contemporary justification of the Acts purely as a public health measure, feminist historians argue that this is a somewhat simplistic interpretation of a legal mechanism that had the effect of exerting social control by one gender and class over another, and that the Acts constituted a means by which patriarchal power structures were reinforced.<sup>53</sup> Exemplified by the work of Judith Walkowitz this approach starts from a theoretical framework of class and gender relations, in which the prostitute is viewed as

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<sup>49</sup> Finnegan, *Do Penance or Perish*, p. 2.

<sup>50</sup> *Ibid.*, p. 2.

<sup>51</sup> Jose Harris, *Private Lives, Public Spirit: Britain 1870-1914* (London: Penguin, 1994), p. 29.

<sup>52</sup> Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge: Cambridge University Press, 1980), *idem*, 'The Making of an Outcast Group: Prostitutes and Working Women in Nineteenth-century Plymouth and Southampton' in Martha Vicinus (ed.), *A Widening Sphere: Changing Roles of Victorian Women* (London: Methuen, 1980).

<sup>53</sup> This position is taken by, for example, Daniel Grey, 'A Grave Question for Englishwomen': Whiteness and the campaign of the Ladies' National Association for the Repeal of the Contagious Diseases Acts in England, c.1864-1886, (University of York, M.A. Thesis, 2003), pp. 6, 15.

an independent, autonomous operator and as an agent in her own history rather than purely as repressed victim. Walkowitz's seminal work *Prostitution and Victorian Society: Women, Class and the State*, described as a 'highly celebrated piece of feminist historiography', defines the Contagious Diseases as 'a social experiment in the custodial treatment of poor "outcast" women'.<sup>54</sup> In this study Walkowitz focussed on the process by which sexual and social ideology became translated into law, institutions and social policy. Building upon Foucaultian concepts of power and resistance, Walkowitz was specifically interested in the way that the acts served as a 'technology of power' over a group of women who chose to live outside society's conventions and norms, and in the way that prostitutes and middle-class female activists collaborated in acts of opposition.<sup>55</sup> Walkowitz's chosen methodology utilized what she described as a 'complex strategy' involving both local and national perspectives of the CD Acts and the repeal movement.<sup>56</sup> This strategy necessitated somewhat of a departure from the detailed street-level approach of the earlier article upon her book was based, arguably losing some of the detail of the relationship between individual and community in the process.<sup>57</sup> So influential has the work of Walkowitz been that claims about the Acts as a 'technology of power' permeate the literature. For example Sung Sook Lee claims that 'In the early 1870s, every court-room in the subjected areas seemed to be busy dealing with prostitutes intentionally refusing internal examination', an assertion which this thesis will argue was demonstrably not the case in most of Kent.<sup>58</sup>

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<sup>54</sup> Walkowitz, *Prostitution and Victorian Society*, p. 1.

<sup>55</sup> *Ibid.*, pp. 5, 7, 41.

<sup>56</sup> *Ibid.*, p. 7.

<sup>57</sup> Judith R. Walkowitz and Daniel J. Walkowitz, "We are not Beasts of the Field": Prostitution and the Poor in Plymouth and Southampton under the Contagious Diseases Acts', *Feminist Studies*, 1 (1973), 73-106.

<sup>58</sup> Sung Sook Lee, *Victorian Feminism and "Fallen" Women: the Campaign to Repeal the Contagious Diseases Acts in Britain, 1869-1886*. (University of Sussex, D.Phil. Thesis, 2001), p. 226.

Walkowitz's reading of the impact of the CD Acts has been challenged in some quarters however. Her selection of Southampton and Devonport for a local study, subjected districts which experienced unusually high levels of disobedience of the acts on the part of working prostitutes, has given rise to the widespread impression that the circumstances in these areas were representative, whereas F.B. Smith has pointed out that these towns were atypical. Selected on the basis that resistance to the legislation was unusually high and repeal activity unusually vigorous there, a thesis of 'resistance to a technology of power' that is based on a study of admittedly unrepresentative cases is open to challenge.<sup>59</sup> These districts were unusual in a number of respects, and Walkowitz herself concedes that a study of other subjected districts may have yielded different results.<sup>60</sup> In the first instance the scale of prostitution in both locations was high and as a result Plymouth in particular was invited to send a disproportionately large number of witnesses to give evidence both to the 1871 Royal Commission and to the Parliamentary Select Committee, thus dominating the national documentary evidence. Additionally, the NA (National Association for Repeal) employed a salaried agent who was permanently resident in Plymouth up until 1880.<sup>61</sup> Furthermore Inspector Silas Annis, who was amongst the police officers employed to oversee the operation of the Acts in Plymouth, appears to have been unusually zealous in the pursuit of his duties, and in his alleged 'brutal and callous mistreatment' of the prostitutes he was employed to regulate.<sup>62</sup> Annis was not typical, as this study will argue, but he did provide repeal campaigners with valuable evidence with which to pursue their allegations of cruelty.

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<sup>59</sup> Walkowitz, *Prostitution and Victorian Society*, pp. 7-8; Smith; 'Contagious Diseases Acts Reconsidered', p. 208.

<sup>60</sup> Walkowitz, *Prostitution and Victorian Society*, p. 8.

<sup>61</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 128.

<sup>62</sup> *Ibid.*, p. 163.

Smith is one of the few voices to have challenged the consensus view of the CD Acts as uniquely repressive. He has contested a number of the orthodox criticisms made by contemporary repeal activists and which have been reproduced in the historiography. Specifically, he argues that that there is no direct evidence that the Acts brutalised prostitutes, nor that women were coerced into signing the submission form, nor that there was ever more than a handful of proven genuine cases of mistaken identity. Furthermore, in some respects according to Smith, in their day to day dealings with and attitudes towards the prostitutes they regulated the CD Acts police could be more 'flexible and humane' than their 'Anti opponents'.<sup>63</sup>

Indeed, as this study will argue, Kentish prostitutes often experienced a more rigorous regime of regulation and control at the hands of local police forces than they did from the Metropolitan officers charged with policing the CD Acts. This comparison is often overlooked because scholars have failed to frame this exceptional series of legislation in the wider context of the development of policing. Their assertions that: 'the constable's formal control over streetwalkers was limited' and that there was a 'policy of inaction and toleration' towards prostitution prior to the passing of the Acts for example, are at variance with the findings of historians of policing for whom the policing of street prostitution was routinely carried out in many districts as part of a wider stratagem of surveillance and control of the casual poor.<sup>64</sup> The regulation of street prostitution constitutes one aspect of a wider narrative of the development of urban control and the supervision of public space that took place over the course of the nineteenth century.<sup>65</sup> This lack of dialogue between two discrete bodies of academic literature precludes a fully contextualised reading of the impact of the CD Acts on the

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<sup>63</sup> Smith, 'Contagious Diseases Acts Reconsidered', p. 209.

<sup>64</sup> Walkowitz, *Prostitution and Victorian Society*, pp. 14, 42.

<sup>65</sup> See for example Robert D. Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-80', *Journal of Social History*, 9 (1976), 481-509 (p. 486).

women directly affected, and has prevented a full synthesis between two complementary fields of scholarship. For policing historians, prostitutes do not constitute a unique category of offender as in feminist interpretations, but belong to a wider group of perceived transgressors against raised expectations of public order, respectable behaviour and decency.<sup>66</sup>

Scholars of policing are generally agreed that from the late eighteenth century onwards social disorder and crime, a certain level of which had previously been accepted as inevitable or, in Clive Emsley's words, as 'social phenomena', began increasingly to be felt to be a serious threat to the social order and a growing problem in need of a solution, an effect that was exacerbated by the process of rapid urbanisation.<sup>67</sup> From the second quarter of the nineteenth century onwards newly established professional police forces were charged with the regulation of the casual poor. These groups, including prostitutes, beggars, vagrants and drunks, were controlled ever more strictly in line with rising expectations of public order and decency. Previously tolerated public misdemeanours were redefined as unacceptable in urbanised environments. This approach to the policing of street prostitution therefore locates it within a wider discussion of the imposition of new standards of order on the streets, and the assertion of control over the day-to-day activities of the poor and working classes in the name of public morality and respectability.

This reading could be interpreted as a manifestation of what has been described as reluctance on the part of policing historians to engage fully with questions of gender.<sup>68</sup> Whilst historians of the police such as Clive Emsley and Carolyn Conley have dealt with the issue in terms of women constituting a

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<sup>66</sup> Clive Emsley, *The English Police: A Political and Social History* (Harlow: Longman, 1991), p. 77.

<sup>67</sup> Emsley, *English Police*, p. 16.

<sup>68</sup> Lucia Zedner, 'Women, Crime and Penal Responses: A Historical Account', *Crime and Justice*, 14 (1991), 307-362 (p. 312).

category of perpetrator or victim of crime, they have often stopped short of an engagement with fundamental questions such as the inter-relationship between Victorian constructions of femininity and female deviance, described by Martin Wiener as a ‘re-imagining of gender’.<sup>69</sup> Lucia Zedner by contrast forges a connection between policing literature and feminist theory, questioning how far ‘emerging explanations of crime were differentiated according to the sex of the offender’ and engaging with fundamental concepts relating to gender such as the ‘agent or victim’ debate.<sup>70</sup>

More frequently policing historians have viewed class as the overarching theoretical framework, whereby the development of policing is interpreted in terms of class conflict and the imposition of one class’s value system onto another. Carolyn Steedman for example has argued that Victorian justice was shaped by three central preoccupations, namely respectability, public order and class. According to this view, the law was increasingly used to deal with forms of behaviour that were deemed by respectable society to be in some way unacceptable or immoral, and local authorities conferred on the police new powers of surveillance that enabled them to control the social life of the community.<sup>71</sup> The enthusiasm for new standards of public order, according to this interpretation as articulated by Robert Storch, is attributable to mid-Victorian moral fervour, the cult of respectability and a desire to ‘mould a labouring class amenable to new disciplines of both work and leisure’.<sup>72</sup> The ‘new’ police were the means by which these alien values were imposed on the poor and working classes

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<sup>69</sup> Martin J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004), p.3.

<sup>70</sup> Zedner, ‘Women, Crime and Penal Responses’, p. 312.

<sup>71</sup> Carolyn Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856 – 80* (London: Routledge & Kegan Paul, 1984), pp. 8, 16, 173.

<sup>72</sup> Storch, ‘Policeman as Domestic Missionary’, p. 482.

and by which 'the monitoring and suppression of popular activities and recreations considered conducive to immorality, disorder and crime' was carried out.<sup>73</sup>

More recently scholars have emphasised themes of consensus and class bargaining in their analysis of the impact of the 'new' police. Clive Emsley for example, has argued that both the 'teleographical progress' and the 'class conflict' models are over-simplistic interpretations. Instead, the law and the police, according to this view, were multi-faceted institutions used by all classes to oppose, win concessions from, and co-operate with each other. Whilst the advent of the new police undoubtedly led to the establishment of a 'new level of order and decorum on the streets' and 'an increase in arrests for petty offences and misdemeanours', this was as much attributable to increased police numbers and the relative ease of the task as it was a simplistic matter of class control.<sup>74</sup>

Lucia Zedner concurs, arguing that it would be over-simplistic to see respectability simply as a tool of middle-class repression. In many ways, 'it was also a positive moral force which the urban poor strove to maintain.'<sup>75</sup> More recently however, David Taylor has cited evidence from Middlesbrough showing that powerful pressure groups within the town conducted a 'moral campaign (that) was unambiguously directed at those seen not to be respectable,' thus suggesting that the concepts of class control and class conflict still have an important place in debates about early policing.<sup>76</sup>

In the period since the publication of much of the literature on the CD Acts a new area of research has developed in the field of urban history.

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<sup>73</sup> Ibid., p. 486.

<sup>74</sup> Emsley, *English Police*, pp. 56-57.

<sup>75</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon, 1991), p. 18.

<sup>76</sup> David Taylor, *Policing the Victorian Town: The Development of the Police in Middlesbrough 1840-1914* (Basingstoke, Palgrave Macmillan, 2002), p. 79.

providing fresh insights into questions relating to the regulation of street prostitution. A number of studies have explored the impact of what Andy Croll has termed the ‘civic project’ on the surveillance of public behaviour and the regulation of street disorder.<sup>77</sup> In his study of Toronto, Peter Goheen has argued that as the middle class became progressively more powerful and self-conscious over the course of the nineteenth century it developed a greater interest in public space, a ‘valuable and contested common resource’ and consequently strove to impose new standards of decorous behaviour there. These met with resentment and resistance because they interfered with traditional liberties.<sup>78</sup> Public spaces were the area where the ‘great diversity of causes espoused by the city’s variegated population’ were promoted. For Croll, this redefinition of communal space was a feature of a specific mode of governmentality, which entailed ‘the construction of social identities and the enactment of power relations.’<sup>79</sup> Chris Otter has explored ways in which tensions between the ‘civil’ and the ‘uncivil’ were expressed and articulated not only through a discourse of ‘environmental polarities’ such as ‘light’ and ‘dark’; ‘dirt’ and ‘cleanliness’ and ‘health’ and ‘disease’ but also through public works in the fields of sanitation and control of the public environment.<sup>80</sup>

These themes have been further explored by Simon Gunn, who emphasises the simultaneous association of public space with morality and (middle class) power on the one hand, and of physical and moral danger on the other. The presence of prostitutes on the streets was seen as destabilising because their public demeanour challenged codes of

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<sup>77</sup> Andy Croll, *Civilizing the Urban: Popular Culture and Public Space in Merthyr, c. 1870-1914* (Cardiff: University of Wales Press, 2000).

<sup>78</sup> Peter G. Goheen, ‘The Assertion of Middle-Class Claims to Public Space in Late Victorian Toronto’ *Journal of Historical Geography* 29 (2003), 73-92 (p. 73).

<sup>79</sup> Croll, *Civilizing the Urban*, p. 9.

<sup>80</sup> Chris Otter, ‘Making Liberalism Durable: Vision and Civility in the Late Victorian City’, *Social History*, 27 (2002), p. 3.

feminine morality and because they compromised the respectability of middle-class women in communal spaces.<sup>81</sup> For Gunn, city and town centres operated as a stage upon which displays of social identity and of social difference could be acted out, a process abetted by the periodical journalistic press which 'engaged in a systematic process of categorising and classifying individuals as 'social types'.<sup>82</sup> Questions of visual public identity were of particular importance to middle-class women, Gunn observes, because of their need to distinguish themselves from 'increasingly public, well-dressed prostitutes'.<sup>83</sup>

The spatial and temporal restrictions put on women's freedom of movement through public space, and in particular the need to distinguish between respectable and non-respectable woman on the street is taken a step further by Mary Ryan who has undertaken a 'search for women in public', challenging the received wisdom that nineteenth century middle-class women were confined solely to the private sphere. During the second half of the nineteenth century Ryan argues, women of all classes increasingly took to the streets for shopping and recreation, and thus the provision of public space for women became a major civic project. What Ryan calls a 'cartography of gender' was consequently cultivated, which charted women's movement in the streets, provided places for their amusement and both regulated and protected them in public.<sup>84</sup> Central to this concept is the notion of the categorisation of public spaces into respectable or non-respectable, and the corresponding assumptions made about the type of women to be found in each.

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<sup>81</sup> Simon Gunn, *The Public Culture of the Victorian Middle Class: Ritual and Authority and the English Industrial City 1840-1914* (Manchester: Manchester University Press, 2000), pp. 64-65.

<sup>82</sup> Gunn, *Public Culture*, p. 69.

<sup>83</sup> *Ibid.*, p. 67.

<sup>84</sup> Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: John Hopkins University Press, 1992).

Whilst gender provides a central organising framework for Ryan she specifically acknowledges that for contemporaries gender was deeply divided by class. ‘The endangered lady was clearly of the middle and upper classes; the dangerous woman came from the ranks of the poor and labouring classes.’<sup>85</sup> Thus the public environment and the urban streets in particular become sites of contest, not only between classes but between classes of women in particular. The genteel lady in the streets for shopping and recreation had to be protected from the other class of women commonly found there, the prostitute: ‘those females who took their very identity from those social spaces – the streetwalkers, the public women.’<sup>86</sup> The cartographers of gender therefore devised a dualistic classification of womanhood in order to account for the discrepancies between the feminine ideal and the untidy realities of gender on the streets in everyday life.

Ryan’s discussion of the contemporaneous presence on the street of the prostitute and the so-called ‘respectable’ woman and of society’s concern to differentiate between the two returns this discussion full-circle to the subject of the CD Acts. The theme of mistaken identity was central to contemporary repeal discourse, which stressed the possibility of so-called ‘respectable’ women and of ‘virtuous women of the poor’ being mistaken for streetwalkers and thus being brought under the jurisdiction of the Acts. An 1870 *Shield* editorial for example, talked of a ‘law which stamps women, who may or may not be virtuous, as common prostitutes’.<sup>87</sup> This emphasis on mistaken identity has been taken up unchallenged in the modern commentary on the CD Acts, for example in 2006 a national newspaper article claimed that ‘any woman in designated military towns could be forcibly inspected for venereal

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<sup>85</sup> Ibid., p. 73.

<sup>86</sup> Ryan, *Women in Public*, p. 73.

<sup>87</sup> *Shield*, 10 December 1870, p.322.

disease.<sup>88</sup> As will be more fully developed in this study, the question of mistaken identity was more complex and nuanced than contemporary critics allowed for, and in practice local knowledge meant that the number of genuine mistakes was few.

This study builds on the broad range of literatures outlined, aiming to forge a link between existing scholarship in the fields of prostitution, the CD Acts, policing and historical urban geography in a study of the ports, dockyards and garrison towns of Kent. It adopts a local perspective, focussing on the ten Kentish districts made subject to the Acts. Of these, Woolwich and Greenwich were naval dockyards on the river Thames within the boundary of Kentish London, now part of the London Borough of

**Map 1.1: Map of Kent, showing the Port, Dockyard and Garrison Towns made subject to the Contagious Diseases Acts**



<sup>88</sup> Julie Bindel 'A Heroine for our Age', *Guardian*, 21 September 2006, G2.

Greenwich. Gravesend was a garrisoned river port on the Thames whilst Chatham, situated on the river Medway and Sheerness on the North Sea coast of the Isle of Sheppey, were substantial naval dockyards. Maidstone, the county town, and Canterbury, the county cathedral city, were both garrisoned and were surrounded by rural agricultural land. Dover and Deal were garrisoned coastal ports, and Shorncliffe army camp was situated on the south-eastern coast near Folkestone. Four of these locations, namely Chatham, Sheerness, Woolwich and Shorncliffe were made subject to the first, 1864 Act. To increase effectiveness operations were extended to Maidstone, Gravesend, Canterbury, Dover and Deal under the final 1869 amendment, which also extended the Woolwich district to include the parish of Greenwich.

This study, as previously indicated, was born of the observation that the Kentish evidence does not appear to endorse much of what has been written about the regulation of street prostitution in general and the CD Acts in particular, of which little mention is made in local sources. For example, whilst four of the Kentish subjected districts were located within the geographical area served by the Centre for Kentish Studies archive, there is no catalogue card index entry there for ‘Contagious Diseases Acts’. Similarly, the registers of subjected prostitutes maintained by the Metropolitan Police working locally in the subjected districts do not, according to the National Archives, appear to have survived.<sup>89</sup> This thesis therefore employs an unusual and innovative methodology that is dictated by the fragmented nature of the source materials, in particular by the paucity of records relating specifically to prostitution and the operation of the CD Acts at local level. This approach makes a virtue out of necessity by utilising evidential material generated not out of the operation of the CD legislation, but out of routine, everyday administration and bureaucracy. These include documentary material such as

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<sup>89</sup> See the statement to this effect on ‘The Contagious Diseases Acts’, <http://yourarchives.nationalarchives.gov.uk> [accessed 19/10/07].

maps, Petty Sessions records, Poor Law Union records, local newspapers, local government records and census materials that do not pertain directly to the CD legislation but which allow an indirect approach to the study of its operation at ground level. This local and contextualised perspective is crucial to an understanding of the relative impact of the Acts on those women directly affected, enabling a reassessment to be made of claims made by historians working with a more centralised and national focus. Statements such as for example, 'The brave ones who resisted were harassed and abused by the police and threatened with hard labour in prison' take on an entirely different meaning when contextualised by the local evidence that prostitutes were already routinely imprisoned for terms of upwards of fourteen days with hard labour in some Kentish locations for offences such as 'wandering', quite aside from the operation of the CD Acts.<sup>90</sup> Likewise, local geographical contextualisation puts into perspective the claim that prostitutes were traumatised by being 'taken to hospitals some distance away' since prostitutes from all over the county were in fact already liable to imprisonment in the county gaol at Maidstone for a range of petty street disorder offences.<sup>91</sup>

The methodological approach employed here constitutes an amalgam of those adopted by previous scholars in the field. In aiming to replicate Finnegan's investigation of York by focussing on the ports, dockyards and garrisons of Kent whilst at the same time engaging with over-arching theoretical frameworks of social, class and gender control such as discussed by Walkowitz and Mahood, this thesis constitutes a synthesis between empirical and more theoretical models. Techniques such as nominal

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<sup>90</sup> Lisa Severine Nolland, *Josephine Butler and the Repeal of the Contagious Diseases Acts (1883/86): Motivations and Larger Vision of a Victorian Feminist Christian* (University of Bristol, PhD Thesis, 2001), p. 195.

<sup>91</sup> Lee, 'Victorian Feminism', p. 108.

record linkage, mapping and analysis of residential patterns are used to investigate street prostitution and its regulation both at ground level and in the context of local communities, whilst a small-scale case study provides the opportunity to explore the relationships between prostitutes, brothel keepers and the police officers charged with controlling their activity. In this way, the thesis casts new light on the regulation of prostitution at local level.

Questions of terminology and of definition have engaged previous historians in this field. Whilst Walkowitz, Finnegan and Luddy have made the decision to use the terms 'prostitute' and 'prostitution' Mahood opted instead to employ the device of quotation marks to emphasise that the word is not an objective term but a value-laden socio-political construct.<sup>92</sup> Lynda Nead usefully provides a nineteenth-century definition of the term 'prostitute': 'a public practice, the regular exchange of sex for money'.<sup>93</sup> The important question as to whether payment was necessarily made in cash is raised by Sung Sook Lee, who offers the definition 'a type of sexual intercourse indulged in, whether illicit, or indiscriminate, with one or more men, for the receipt of money or other consideration'.<sup>94</sup> Helen Self, whilst acknowledging the stigma attached to the word 'prostitute', has made the case for using both it and 'prostitution' in their historical context, since these are the terms used in legal documents and texts. Self has also argued for a differentiation between the terms 'prostitute' and 'common prostitute', (the latter first coined in the 1824 Vagrancy Act) to identify the group of women most vulnerable to arrest and prosecution for soliciting and loitering.<sup>95</sup> Elsewhere, the case has often been made for using the modern-day term 'sex worker' to denote an income-

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<sup>92</sup> Mahood, *The Magdalenes*, p. 13.

<sup>93</sup> Lynda Nead, *Myths of Sexuality: Representations of Women in Victorian Britain* (Oxford: Basil Blackwell, 1988), p. 95.

<sup>94</sup> Lee, 'Victorian Feminism', p. 97.

<sup>95</sup> Helen J. Self, *Prostitution, Women and Misuse of the Law: The Fallen Daughters of Eve* (London: Frank Cass, 2003), p.12.

generating activity in preference to ‘prostitute’ which is seen as possessing pejorative connotations.<sup>96</sup>

Choice of terminology is admittedly problematic, though nineteenth-century commentators appear to have used ‘prostitute’ in relatively empirical and unproblematic terms. In contrast, they employed a wide range of value-laden euphemisms when writing in a less objective mode, for example ‘unfortunate’, ‘nymph du pave’ and ‘one of the frail sisterhood’. It is arguably the case therefore that the term ‘prostitute’ has acquired many of its pejorative nuances over the course of the twentieth century. The most significant difference between contemporary and modern usage is arguably the degree of permanence understood by the term, and as will be further explored in this study, questions relating to the ease with which the lifestyle could be abandoned permeated much of the contemporary discourse of rescue and reform.

For reasons of simplicity and clarity therefore, this thesis follows nineteenth-century usage in employing the word ‘prostitute’ to describe a woman who, as far as the evidence suggests, took payment for sex, whether or not this was her sole means of financial income and whether or not she was permanently established in this occupation as a way of life. The term ‘streetwalker’ is also employed here as a point of emphasis where it is necessary to differentiate between classes of prostitute. Whilst there is evidence to suggest that some women in the ports and garrisons of Kent practised prostitution in a more discreet or higher class fashion, the majority of women identified by this study operated at the lower end of the market and were members of the casual poor who solicited for custom on the street or in public houses. Whilst it is certainly the case, as Mahood argues, that the term ‘prostitute’ was both a label of censure and to some extent a socially constructed category, when applied by the law enforcement

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<sup>96</sup> Grey, ‘Grave Question’, p. 12.

agencies of Kent it appears to have been used with some measure of unproblematic accuracy.

In most cases of prostitution identified by this study, as far as can be ascertained from the available evidence, payment for sex was sought and received in cash, though it is far from clear whether payment in kind was not sometimes also involved, for instance the purchase of alcoholic drinks. Furthermore, the evidence relating to incidents of robbery of prostitutes' clients which will be discussed in further detail in the following chapter, suggests that many women were using the promise of sex as a means of luring clients into situations where they were more vulnerable to robbery without witness, and that the proceeds of such robbery constituted a major portion of the woman's income. It is a central contention of this thesis that the impact of the CD Acts on the women directly affected cannot be properly assessed without being fully contextualised by an exploration of the women's lives, work and experience of regulation outside of the CD legislation. This study of nineteenth century prostitution therefore opens with an investigation of the backgrounds, living conditions and working practices of a number of street prostitutes identified as having worked in the ports and garrisons of Kent. Employing a methodology that combines nominal record linkage with quantitative and qualitative techniques the lives of a number of Kentish prostitutes have been partially reconstructed. Individual life-stories and the common characteristics shared between them provide a vital background against which to consider the findings of remainder of the study.

This contextual approach is taken a step further in Chapter 3, which investigates the routine, day to day policing, control and punishment regimes experienced by prostitutes in the Kentish ports and garrison towns independently of the operation of the CD Acts. This discussion locates the regulation of street prostitution within a wider framework of the surveillance and control of the urban poor. From Police Court and

Magistrates' Petty Sessions records, together with the court report columns of local newspapers, the prosecution of prostitutes and others for a wide range of petty street disorder offences is examined, and the impact of the 'new' police on street prostitutes considered in the wider context of the gradual imposition of raised standards of respectability onto working class street culture. This discussion raises the question whether, when the CD Acts are considered in the context of the broader regime of regulation and control brought to bear on working prostitutes, they appear as exceptionally repressive as their reputation has implied.

Chapter 4 consists of a local, street-level case study of the geography of prostitution in one Kentish subjected district, namely Gravesend. Using an unusual methodology that combines mapping exercises with residential analysis, and with reference to the scholarship of historical urban geographers this study explores the spatial and social relationships between prostitutes, the local community and members of the local police. This approach allows questions relating to prostitutes' visibility and identity to be addressed and specifically casts light on the issue of mistaken identity, a central thread running through abolitionist discourse.

Finally, Chapter 5 examines the operation of the CD Acts in the ports and garrison towns of Kent. Using a mixture of local records and central government sources the policing, medical and punishment regimes created by the Acts are investigated in the light of findings from elsewhere in the country. Specifically this discussion examines evidence relating to the co-operation or resistance of Kentish prostitutes in an attempt to measure the impact of the Acts on the women directly affected.

Before embarking on this exploration of the regulation of prostitution and the operation of the CD Acts in Kent however, and in order to provide a fully contextualised background for subsequent chapters, this study turns firstly to an

investigation of the day to day lives and working practices of the women who lived by prostitution in the naval ports, dockyards and army garrison towns of Kent in the third quarter of the nineteenth century.

## 2: Prostitution in Kent

The historiography of nineteenth century prostitution tends to have been dominated by discussion of the CD Acts, yet even where the legislation applied it represented only a small part of the sum of the nineteenth-century streetwalker's experience. The impact of the Acts in the subjected districts can be understood only when balanced by an exploration of how the women lived and worked independently of this exceptional and notorious piece of legislation. Walkowitz has criticised Finnegan for failing to place prostitutes 'in the context of their own culture and community' by focussing on 'moments of intense personal crisis', for example arrest or hospitalisation. Arguably, an approach that takes the CD Acts as its departure point, as much of the historiography has done, is open to precisely the same criticism since it too focuses on periods of atypical personal crisis.<sup>1</sup> This chapter therefore provides a contextual background to the themes of regulation and control which are the focus of this study, by firstly exploring the material circumstances amidst which women practised prostitution in the Kentish ports and garrisons in the third quarter of the nineteenth century. It investigates the situation of working prostitutes firstly with regard to their origins and personal outcomes, and secondly with regard to their living and working conditions.

Any exercise in reconstruction of the lives of street prostitutes is not without difficulties. At one level it is undoubtedly true, as Finnegan has said and has admirably demonstrated that there is an abundance of documentary evidence at local level on the details of prostitutes' lives.<sup>2</sup> However, by definition this group of individuals went

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<sup>1</sup> Walkowitz, *Review of Poverty and Prostitution*, p. 147

<sup>2</sup> Finnegan, *Poverty and Prostitution*, pp. 11, 14, 212.

largely undocumented and the evidence is fragmented and requires detailed and time-consuming reconstruction. For example the survival rate of official records such as the minutes of Petty Court Sessions varies from place to place and local newspaper reportage of these proceedings, whilst contributing invaluable detail missing from the official record, cannot be relied upon as a comprehensive coverage of all cases.

Additionally, there is an inherent problem in using newspaper accounts of magistrates' court sessions in that the reporters appear to have transcribed name and address details from what they heard in court thus leaving room for error. Two Dover prostitutes for example, named in the *Dover Express and East Kent Intelligence* as 'Margaret Harman' and 'Jane Keyton' in the 1 June edition 1861, appear a fortnight later in a follow-up piece on the same incident as 'Mary Harding' and 'Ann Katou' suggesting aural transcription.<sup>3</sup> The difficulties involved in accessing and utilising this type of data as documentary evidence may explain why many historians have tended to rely on a limited number of contemporary source materials with a centralised, rather than local or individual perspective.

These problems can be partially overcome by means of a methodology of nominal record linkage, which allows the partial reconstruction of the lives of a large number of women who practised prostitution in the port and garrison towns of Kent. This is done using a range of documentary sources such as police court records, census materials, Poor Law Union records, municipal records and the newspaper reports of Police Court and Petty Sessions hearings. Single documents rarely provide detailed information about individuals, nor do they usually shed much light upon the common characteristics of a group. A fuller picture can however be drawn by tracing individuals between a number of sources. This methodology yields both quantitative and

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<sup>3</sup> *Dover Express and East Kent Intelligence*, 1 June, 15 June 1861.

qualitative data, allowing statistical analyses to be illuminated by personal life-stories, and allowing individuals to be tracked over time.

The discussion that follows and the narratives throughout this chapter are partially based on data obtained using this methodology. References to over 500 women identified as having been involved in prostitution in the port and garrison towns of Kent between 1856 and 1881 have been uncovered in the records. Of these, 200 names have been found in two or more sources, enabling some degree of life-history reconstruction to be made by linking between records. These women would otherwise have largely remained absent from the historical record. It is impossible to know how representative this 200 women are of all those who practised prostitution in Kent at this period. It is clearly the case, as contemporaries observed, that others operated in a more discreet and less obtrusive manner or had achieved in the words of Walkowitz, 'a quiet truce with the police' and were thus left to follow their course unmolested so long as they remained orderly and inconspicuous.<sup>4</sup> This group went largely undocumented and is generally missing from the historical record. The methodology used here is admittedly biased in favour of those prostitutes who passed in front of the benches of the Kentish Magistrates and towards the streetwalker who operated at the lower end of the prostitution market who was most likely to come to the attention of the police. However, this is precisely the group that was most vulnerable to the operations of the CD Acts and thus the bias is an acceptable one. Furthermore it is clearly true, as Walkowitz has observed, that a methodology that focuses on police court records risks a lack of balance and of missing details about routine life and social relationships.<sup>5</sup>

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<sup>4</sup> Walkowitz, *Prostitution and Victorian Society*, p. 24.

<sup>5</sup> Walkowitz, *Review of Poverty and Prostitution*, p. 147.

However, local newspaper reportage of court cases frequently provided a wealth of supplementary information about precisely these background details. In the process of reporting a case of robbery for example, court journalists frequently repeated the mass of additional detail that emerged during the court hearing, for example about where the women lived, where they conducted business, where and how they met clients and sometimes details of the women's backgrounds.

In the absence of alternative detailed documentary evidence therefore, the methodology employed here allows the story to be told of a social sub-group that, by definition, had a vested interest in remaining as far as possible beyond the reach of officialdom and that might otherwise have remained largely unrecorded. These reconstructed life histories, and the common characteristics shared by them, serve to illuminate the way of life and working practices of a number of women engaged in prostitution in the port and garrison towns of Kent in the second half of the nineteenth century. This approach goes some way to providing a corrective to narratives that invariably frame their investigation of nineteenth-century prostitution by a primary focus on the CD Acts, and provides a context for the chapters that follow.

## **Origins, Lifecycle and Outcomes**

### **Prostitution and Poverty**

Historians are generally agreed that chronic economic insecurity, underemployment, depressed living conditions and the large-scale dislocation of populations from traditional communities into rapidly-growing towns and cities created material conditions whereby many women practised prostitution as part of a mixed strategy of

survival.<sup>6</sup> Rapid industrial and population growth and economic exploitation resulted, according to historian Eric Trudgill, in 'wealth for the few, but for the many ugliness, squalor, congestion, disease and crime'.<sup>7</sup> The prostitute accordingly became, as Walkowitz has argued '...a highly visible symbol of the social dislocation attendant upon the new industrial era'.<sup>8</sup>

Women's work had undergone a loss of status and depression of wages in the process of occupational segregation brought about by industrialisation.<sup>9</sup> In addition the development of the concept of the family wage, whereby women's and children's incomes were seen as supplementary to that of the main wage-earner, had a disadvantageous impact on women's earning capacity and particularly on the ability of single and widowed women to support themselves and their children. Moreover the 'aggressive insistence on workhouse relief' pursued in the later part of the century was especially punitive to women.<sup>10</sup> An economy drive to lower the burden of parish poor rates in the 1870s reduced the number of women supported by outdoor relief from 166,407 to 53,371 between 1871 and 1891.<sup>11</sup> As a result, large numbers of deserted or abandoned women, David Englander argued, 'struggled to sustain themselves and their dependents on starvation wages', and pauper women 'were placed under close surveillance and neighbourhoods monitored to see whether single women on relief were also receiving support from the men with whom they co-habited'.<sup>12</sup>

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<sup>6</sup> See for example Maria Luddy, 'Abandoned Women and Bad Characters: Prostitution in Nineteenth Century Ireland', *Women's History Review*, 6 (1997), 485-504, (p. 493).

<sup>7</sup> Trudgill, *Madonnas and Magdalens*, p. 45.

<sup>8</sup> Walkowitz, *Prostitution and Victorian Society*, p. 32.

<sup>9</sup> Sonya O. Rose, 'Gender at Work: Sex, Class and Industrial Capitalism' *History Workshop Journal*, 21(1986), p. 115.

<sup>10</sup> Peter Murray, *Poverty and Welfare 1830-1914* (London: Hodder & Stoughton, 1999), p. 50.

<sup>11</sup> David Englander, *Poverty and Poor Law Reform in Britain: From Chadwick to Booth, 1834-1914* (London: Longman, 1998), p. 13

<sup>12</sup> *Ibid.*, p. 23.

The local evidence from Kent supports the link between prostitution and poverty. There was little light manufacturing industry in the county and agriculture continued to play an important part in the local economy during the period under study. The second half of the nineteenth century witnessed a shift in the county's wealth and population from the rural southeast towards the industrial northwest of the county. Nevertheless the cycle of the agricultural year, and particularly the growing of hops, continued to play an important part in the local economies of most of the districts under study here. At the mid-century some 45,000 acres in the county were devoted to hops and a workforce estimated to be between 80,000 and 150,000 was required each year for the harvest. Women and juveniles were valued for their speed and dexterity, and thousands of migrant workers were attracted into the county each year during the hopping season. However, the seasonal nature of the work meant that hoppers were forced into the towns and often into prostitution during the winter months thus contributing considerably to the vagrancy problem.<sup>13</sup>

The principal industrial activity in Kent was based around the Thames coastline and the Medway basin and consisted predominantly of heavy industry such as shipbuilding, armaments, munitions and building materials thus offering employment opportunities predominantly to males. Adult female employment was mainly restricted to domestic service, textile and laundry work. Furthermore, employment in the clothing sectors was irregular and intermittent and dressmakers, milliners and makers of fancy items were employed casually as outworkers.<sup>14</sup> Wage rates in the needle trades were notoriously low and based on piecework, and employment was subject to severe fluctuation in demand.<sup>15</sup>

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<sup>13</sup> *Maidstone Journal*, 2 September 1871.

<sup>14</sup> Geoffrey Crossick, *An Artisan Elite in Victorian Society: Kentish London 1840-1880* (London: Croom Helm, 1978), p. 39.

<sup>15</sup> Joyce, *Chatham Scandal*, p. 42.

Even where women were employed in the county's small manufacturing sector, such as Maidstone's well-established paper industry, they were not well remunerated when compared with male workers. Although the Turkey paper mill for example, had two hundred and sixty-three women and twenty-six girls in its employ in 1865, (70% and 7% respectively of the total workforce), these statistics mask the fact that the more skilled tasks were performed by a small number of well-paid adult males. Women were largely engaged in low-paid occupations such as sorting, cutting, macerating and boiling rags in dangerous and unhealthy conditions.<sup>16</sup>

As this discussion will show, whilst prostitution may have offered a means of survival it did not represent a permanent escape from poverty. The material conditions experienced by the women who have been identified by this study were characterised by hardship and privation and necessitated opportunistic approaches to survival, described by one historian as 'economies of makeshift'.<sup>17</sup> At the lower end of the prostitution market, these women were, as Joyce has noted, 'neither elegant nor cheekily precocious, but women of the labouring poor attempting to earn a precarious living'.<sup>18</sup> A local historian, referring specifically to Chatham, claims that prostitutes there 'lived lives only slightly above the standards of the gutter'.<sup>19</sup>

Local contemporary observers appear to have been conscious of the links between prostitution and poverty. Gravesend philanthropist E. Buckhurst Taylor for example, who was quoted in the previous chapter, observed that 'the once fair daughters of our poorer brethren resort to prostitution as a means to obtain their *daily bread*'.<sup>20</sup>

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<sup>16</sup> Tom Richardson, 'Labour' in *The Economy of Kent, 1640-1914*, ed. by A. Armstrong, (Woodbridge, 1995), pp. 233-260 (p. 251).

<sup>17</sup> Henderson, *Disorderly Women*, p. 16.

<sup>18</sup> Joyce, *Chatham Scandal*, p. 122.

<sup>19</sup> Adrian Gray, *Crime and Criminals in Victorian Kent* (Gillingham: Meresborough Books, 1985), p. 56.

<sup>20</sup> *Gravesend and Dartford Reporter*, 9 April 1864.

Other observers believed that many women were forced to subsidise low wages by prostitution. Stephen Rimbault, a town missionary in Maidstone for example, was of the opinion that 'many of those mill girls are clandestine prostitutes; they have very small wages and they increase their income by a common life.'<sup>21</sup> Frederick Wheeler, Quaker and philanthropist in Chatham, speaking of the earning capacity of prostitutes in that town, likewise believed that 'in most cases, it is not that they are getting their living as much as supplementing ordinary wages by prostitution.'<sup>22</sup> Prostitution appears to have been so far preferable to the limited set of alternative female employments in Woolwich that according to one resident, 'The demand for them is so great that it is a complaint all round that the people cannot get servants.'<sup>23</sup> In Canterbury meanwhile, Ann Heritage claimed that 'a large number of the parents are so poor – not able to place out their children in situations ... and so a large number of their children are sent first to the barracks to nurse children that belong to the married men; that is their first step to ruin...'<sup>24</sup>

Some measure of the relative earning capacity of women in prostitution when compared with local needle trades is revealed by two stories that appeared in the *Chatham News* in the early 1860s. When eleven of the fourteen seamstresses employed by Chatham machine clothing manufacturer Thomas Jackson refused to work because of insufficient wages in 1861, the press report of the incident recorded that they were paid one shilling for machining a dozen pairs of trousers. Jackson claimed in court that a good hand could sew twenty four pairs of trousers in a day, equivalent to a weekly wage of ten to twelve shillings, but other evidence suggests that the average weekly rate of pay for seamstresses in the Medway towns was actually much lower than this figure.

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<sup>21</sup> Select Committee 1882, p. 137.

<sup>22</sup> Quoted in Joyce, *Chatham Scandal*, p. 48.

<sup>23</sup> Select Committee 1881, p. 597.

<sup>24</sup> 1871 Royal Commission, p. 817.

between six and eight shillings.<sup>25</sup> As a point of comparison, sixteen year-old Harriet Wood was paid half a crown for spending one night with a soldier, of which she was expected to give one shilling to her landlady as rent, and the remaining one shilling and sixpence was hers to keep. She was told that rent was only due if a man spent the night with her.<sup>26</sup>

Further evidence relating to the amounts of money paid by prostitutes' clients for sex is scant. Clara Greenstreet of Dover was paid one shilling by fly driver James Etall for an open-air encounter in 1861, Ann Legge of Gravesend three shillings by groom Willoughby Johnson in 1856 for 'going home with her', and five shillings by a client to Mary Anne Burke to 'go upstairs with her' at the Earl of Cardigan beerhouse in Chatham in 1867.<sup>27</sup>

### **Occupational Backgrounds**

Details of family backgrounds, occupational class and socio-economic status of clientele has been established for a number of the women identified by this study as having been involved in prostitution in Kent, and for whom some degree of life-story reconstruction can be made. The results strongly substantiate the link with poverty. From the partially reconstructed lives of the 200 women mentioned previously, parents' occupational status has been ascertained in forty cases, the women's own employment status (either prior to or supplementary to prostitution) in forty nine cases and the occupational status of clientele in fifty eight cases. The findings have been grouped

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<sup>25</sup> *Chatham News*, 9 March 1861, 13 October 1860.

<sup>26</sup> *Chatham News*, 9 March, 23 March 1861.

<sup>27</sup> *Dover Express and East Kent Intelligence*, 20 April 1861; *Gravesend and Dartford Reporter*, 29 November 1856; *Chatham News*, 8 June 1867.

according to Armstrong's social classification scheme.<sup>28</sup> Additionally, information relating to orphaned or single-parent family of background has been established in thirty five cases.

Parental occupations reflect the varied water-based and rural economies of Kent's subjected districts and their hinterlands, and include a shipwright, mariners, watermen, a pilot, a cordwainer (leather worker), a farmer and two gardeners (see Table 2.1). The fathers of ten of the women for whom the information is known were labourers, two of whom were employed at the Northfleet chalk works, the largest employer in the Gravesend area. Twelve were the daughters of skilled or semi-skilled workers and traditional tradesmen, including shoemakers, tailors, a baker, a bricklayer and a blacksmith. As a point of comparison, Finnegan found that the majority of the prostitutes in York not only had working class backgrounds but came from the ranks of the very poor.<sup>29</sup> The family backgrounds of the Kent group suggest that, predominantly, these women did not originate from the ranks of the most destitute. On the contrary they represent a wide cross section of the working classes. 56% of the Kent parental group were from at least occupational class III (skilled workers). The father of Carrie Pardew for example, who was brought before the magistrate twice in the 1870s for offences in connection with the CD Acts, was a blacksmith. Born in Plymouth, Devon, Pardew worked in HM Dockyard in Sheerness for over ten years prior to retiring to East London in receipt of a government pension.<sup>30</sup>

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<sup>28</sup> Quoted in *Sources and Methods for Family and Community Historians; a Handbook* ed. by Michael Drake and Ruth Finnegan, (Cambridge: Cambridge University Press in association with The Open University, 1994), pp. 48-49.

<sup>29</sup> Jill Harsin, *Policing Prostitution in Nineteenth-Century Paris* (Princeton: Princeton University Press, 1985), p. 114; Finnegan, *Poverty and Prostitution*, p. 72.

<sup>30</sup> 1851 MSS Census PRO/HO/107 (hereafter 1851 Census) (1628, 192:5); 1861 MSS Census PRO/RG9 (hereafter 1861 Census) (531, 59:30); 1871 MSS Census PRO/RG10 (hereafter 1871 Census), (580, 120:31), 1881 MSS Census PRO/RG11 (hereafter 1881 Census), (499, 138:51); Centre for Kentish Studies Sheerness Police Court Register PS/Shr 1: 1a) (hereafter CKS Sheerness Police Court Register), 2 May 1878, 5 May 1879.

**Table 2.1: Occupations of Prostitutes' Parents**

	Occupation	Number	Occupational Class
<b>Fathers</b>	Agricultural/Field labourer	6	IV
	Shoemaker *	4	III
	Mariner/Waterman	4	IV
	Chalk Works Labourer	2	V
	Gardener	2	IV
	General Labourer	2	V
	Tailor	2	III
	Farmer *	2	II
	Blacksmith	2	III
	Bricklayer	1	III
	Wheelwright	1	III
	Baker	1	III
	Fish Vendor	1	III
	Parish Clerk	1	III
	Cordwainer	1	III
	Shipwright	1	III
	Draper	1	III
	Ship's Cook	1	III
	Pilot	1	III
	Coachman	1	III
	Quarryman	1	III
<b>Widowed Mothers</b>	Shoemaker's Binder	1	III
	Pauper	1	V
	Laundress	1	IV
<b>Total</b>		<b>41</b>	

① One farmer and one shoemaker each had two daughters, both prostitutes

Source: Census materials, newspaper reports, poor law records and general registration records, 1851–1881

By contrast, occupational groupings based on the employment undertaken by the women themselves (Table 2.2) suggest that many had experienced a reduction in circumstances during their own lifetime compared with the average status of the families of origin. This analysis is based on employment that was undertaken either before, after, or at the same time as earning money from prostitution where such information can be ascertained from the sources outlined previously. This data has to be approached with a measure of caution, since many of the 'occupations' have been taken from census returns, as reported by the head of household to the census enumerator. As Finnegan has observed, very few women described their occupation as 'prostitute'.<sup>31</sup> However, in the light of contemporary testimony that many women practised prostitution on a part-time basis to supplement income from other employment, it is likely that the occupational details taken from this source – usually 'laundress' or 'dressmaker' has some foundation. In other cases information relating to occupation has been taken from poor law records and press reports of verbatim evidence about a prostitute's previous employment. As might be expected, on average the women's own occupations are less skilled and belong to lower occupational classes than those of their fathers. Only 38% of this group belonged to occupational class III or above. They reflect the scarcity of skilled and semi-skilled employment for women in the ports and dockyards of Kent.

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<sup>31</sup> Finnegan, *Poverty and Prostitution*, p. 14.

**Table 2.2: Prostitutes' Other Occupations**

Occupation	Number	%	Occupational Class
Dressmaker	11	22	III
Servant	10	20	IV
Laundress	8	16	IV
Charwoman	5	10	V
Hawker	2	4	V
Needlewoman	2	4	III
Seamstress	2	4	III
Field Labourer	2	4	V
Hat Box Maker	1	2	III
Nurse	1	2	III
Washerwoman	1	2	IV
Shoe-binder	1	2	III
Silk Weaver	1	2	III
In want of situation	1	2	
Domestic Servant out of employ	1	2	
<b>Total</b>	<b>49</b>	<b>100</b>	

Source: Census materials, newspaper reports, poor law records and general registration records, 1851-1881

## Clientele

The socio-economic status of the men who constituted the clientele of the identified prostitutes and streetwalkers of Kent provides one further indicator of these women's socio-economic standing. Fifty-eight newspaper reports of incidents relating to prostitution have been traced in the local press between 1856 and 1878 in which the occupation of the woman's client is mentioned. Unsurprisingly, the majority of the men were soldiers and sailors, and the next biggest group were labourers. 16% of the men belonged to occupational class V, 17% to class IV and 67% from class III (see Table 2.3). None of the men belonged to the professional classes.

This is clearly a small sample, and the methodology is necessarily biased towards the clients of street prostitutes and those who passed before the benches of the Kentish magistracy. Nevertheless, the analysis suggests that the prostitutes and streetwalkers who have been identified by this study operated at the lower end of the market and that their clients came from the same social class as the women themselves. For these women, prostitution appears to have represented a means of making ends meet rather than making a lucrative living or of achieving upward social mobility as was suggested at the time by Dr. William Acton, and the findings corroborate Finnegan's for York.<sup>32</sup> This exercise demonstrates that to view prostitution in terms of class exploitation is an over-simplistic reading. It is possible that some women who practised prostitution in a more discreet or more clandestine fashion were able to attract a better class of customer who could pay a higher rate, but these liaisons have gone largely undocumented. In a case that was cited by CD Acts repeal literature for example, a Canterbury prostitute claimed that the Magistrate who had just awarded her a

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<sup>32</sup> Finnegan, *Poverty and Prostitution*, p.115.

**Table 2.3: Prostitutes' Clients**

Occupation	Number	Occupational Class
Soldier	16	III
Sailor/Seaman	12	III
Labourer	9	V
Mechanic/Engineer	3	III
Royal Marine	2	III
Boilermaker/Shipwright	2	III
Waterman	1	IV
Fisherman	1	IV
Bargeman	1	IV
Mate of Collier Vessel	1	IV
Coast Guard Volunteer	1	IV
Fly Driver	1	IV
Carrier	1	IV
Groom	1	IV
Waggoner's Mate	1	IV
Travelling Salesman	1	III
Caulker	1	IV
Baker	1	III
Grocer's Assistant	1	III
Clerk	1	III
Total	58	

Source: Kent newspaper reports, 1856 - 1878

custodial sentence was the same man who had paid her several shillings several days previously ‘to go with him’ but has not been possible to substantiate this accusation.<sup>33</sup>

Prostitutes’ status is additionally explained by evidence relating to parental deaths. Orphaned and broken family home status was a significant factor in a solid working class family’s downward spiral into abject poverty and is a common theme running through many accounts of prostitutes’ backgrounds. Historian Donald Thomas for example has observed that the ‘road to prostitution often began when the death or absence of a father quickly obliged the mother to go out to work’.<sup>34</sup> 24% of Parent-Duchatelet’s Parisian sample entered prostitution after the loss of their parents, or after being made to leave the parental home, whilst Walkowitz cites evidence that less than one third of young women in rescue homes and lock hospitals had both parents living.<sup>35</sup>

The evidence from Kent reveals a similar picture. Out of a group of thirty six prostitutes for whom this information can be ascertained, only eighteen (50%) still had both parents living when they reached the age of twenty (Table 2.4). This figure compares with Michael Anderson’s findings for Lancashire, where nearly one third of all children could expect to lose one parent, and 8% both, before they were fifteen.<sup>36</sup> The link between orphaned or widowed parent status and prostitution is further substantiated and well illustrated by individual examples. Young prostitute Selina Calver’s life story has been reconstructed from a combination of general registration records, census materials and newspaper reports of court hearings. Selina’s mother died

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<sup>33</sup> Quoted in Jane Jordan, *Josephine Butler* (London: John Murray, 2001) p. 118.

<sup>34</sup> Donald Thomas, *The Victorian Underworld* (London: John Murray, 2003), p. 86.

<sup>35</sup> Harsin, *Policing Prostitution*, p.122.

<sup>36</sup> Michael Anderson, *Family Structure in Nineteenth Century Lancashire* (Cambridge: Cambridge University Press), p.148; Walkowitz, *Prostitution and Victorian Society*, p. 16.

**Table 2.4 Family Status of Kent's Prostitutes**

<b>Mother died &lt; 20</b>	<b>Father died &lt;20</b>	<b>Orphaned &lt;20</b>	<b>Both parents living &gt;20</b>	<b>Total</b>
8 *	8	2**	18	36
22%	22%	6%	50%	100%

\* includes one mother confined to the Kent County Lunatic Asylum

\*\* includes one woman whose mother died when she was very young and whose father was at sea. He left her in the care of relatives and subsequently remarried and started a second family, effectively leaving her orphaned.

Source: Census Records

in, or shortly after childbirth, and since her father was at sea she spent some time with an aunt and uncle in Southwark, and afterwards living with neighbours in Gravesend as a nursemaid.<sup>37</sup> Some time prior to Selina's fifteenth birthday her father married again and in 1862 she appeared in court having been found sleeping in a closet having run away from home. Her uncle informed the court that this was as a result of 'ill-usage' by her stepmother, but nevertheless the authorities discharged Selina back to the care of her parents.<sup>38</sup> During the next three years Selina was arrested on more than one occasion and served two custodial sentences for soliciting and for being drunk and riotous.<sup>39</sup> She subsequently moved to Chatham and took lodgings a public house that had the reputation of being the home of prostitutes.<sup>40</sup>

Similarly, the life stories of Leonora and Clara Lucas can be pieced together from the same range of documentary sources. The Lucas family circumstances were very much reduced on the death of their father Robert who, according to census records, farmed one hundred acres and employed four labourers in rural Boxley.<sup>41</sup> Robert died when his youngest children were still young, evidently leaving the family in a much-reduced financial situation. The oldest son William continued farming in Boxley but not for himself, whilst his widowed mother Eleanor moved into Maidstone with two of her younger daughters and became a charwoman.<sup>42</sup> Leonora was already living independently of the family by this time and whilst it is not known at what age she

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<sup>37</sup> General Registration Office (hereafter GRO) Birth and Death Indices, (Vol. 5) March 1847; 1851 Census, (1654, 470:19); 1861 Census, (471, 73:37).

<sup>38</sup> *Gravesend and Dartford Reporter*, 8 November 1862.

<sup>39</sup> *Ibid.*, 27 May 1865, 12 September 1868.

<sup>40</sup> 1871 Census, (892, 46:31).

<sup>41</sup> 1841 MSS Census PRO/HO107 (hereafter 1841 Census), (457:13); 1851 Census, (1618, 39:47).

<sup>42</sup> 1861 Census, (503, 117:26).

entered prostitution she was being described in this way in the Maidstone Magistrates' Court at the age of twenty-six.<sup>43</sup> Some time after this her younger sister Clara took lodgings with fellow prostitute Elizabeth Cripps in Camden Street Maidstone, where she is captured by the 1871 census, her occupation described as 'dressmaker'.<sup>44</sup> Clara was, however, convicted later that year of being a 'disorderly prostitute' under the Vagrancy Act for which she served a seven day sentence.<sup>45</sup> Clara died at the age of thirty-one, and the following year's census records Leonora living alone in Woollett Street in Maidstone, a location that was home to several prostitutes, her occupation also described as dressmaker.<sup>46</sup>

## Residence

The prostitutes working in the port and garrison towns of Kent who have been identified by this study predominantly lived in cheap housing in districts characterised by poverty and over-crowding. In Gravesend for example, this was often amongst the common lodging houses in the crowded courts and alleys of tenement housing that led off of High Street on the south side of West Street, as will be more fully explored in Chapter 4. Evidence relating to prostitutes' addresses is scarce, but was given during Magistrates' Court hearings and has therefore been preserved where the court records survive. The information was only occasionally reported by the press. Additionally, street addresses can sometimes be ascertained for prostitutes through census records where some other detail is already known. A comparison between prostitutes' addresses and other sources often provides a clear impression of the type of place a

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<sup>43</sup> *Maidstone Telegraph and Kent Messenger*, 8 February 1866.

<sup>44</sup> 1871 Census, (944, 94:4).

<sup>45</sup> Centre for Kentish Studies, Maidstone Petty Sessions Minutes, 1871-1878 (PS/Md Sm 4, 5, 6), (hereafter CKS Maidstone Petty Sessions Minutes), 14 December 1871.

<sup>46</sup> 1881 Census, (931,101:3); GRO Death Indices, (Vol. 2a) September 1880.

neighbourhood was. For example, four prostitutes are known to have made their homes in the neighbourhood of Back Garden Row in Gravesend during the 1870s. Mary Ann Loft, the fourth of the ten children of a tailor, who was described as a common prostitute during numerous court hearings was living at number three in 1871 with fellow prostitute Sarah Curtis and with Antony Armstrong, a boiler-maker.<sup>47</sup> The census of that year lists Mary Ann as head of the household, but it is unclear which, if either, of the women was co-habiting with Armstrong. Next door at number one meanwhile, prostitute Louisa Collins, with whom Mary Ann enjoyed less than cordial neighbourly relations, co-habited with Thomas Elford.<sup>48</sup> Prostitute Elizabeth Surman was living at number four in 1877.<sup>49</sup>

An impression of Back Garden Row at this period is given by the newspaper report of an 1879 investigation into poverty in Gravesend, revealing the circumstances amidst which the above-mentioned women lived.<sup>50</sup> Resonating with imagery familiar from the better-known national social explorers, the report highlighted the living conditions experienced by residents, for whom one room per family was the average accommodation.<sup>51</sup> Investigators found a widow with five children who all survived on parish relief and the six shillings per week earned by one of the children. Near-by in another room, they found a woman apparently very ill and lying on an old mattress, her unemployed husband and three children grouped round a small fire, and the only furniture in the room being one chair, one stool and a table.

Elizabeth Jones of Maidstone, an account of whose death is given later in this chapter, provides another example of the material conditions amidst which many

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<sup>47</sup> 1871 Census, (893 9:10).

<sup>48</sup> *Gravesend and Dartford Reporter*, 19 August 1871.

<sup>49</sup> *Ibid.*, 20 January 1877.

<sup>50</sup> *Gravesend and Dartford Reporter*, 25 January 1879.

<sup>51</sup> See for example *Into Unknown England, 1866-1913: Selections from the Social Explorers* ed. by Peter Keating, (Glasgow: William Collins, 1976).

Kentish street prostitutes appear to have lived. Elizabeth lodged at 'a very destitute abode in Wharf Lane, tenanted by a vendor of water-cresses' where, according to the local press, she did not even have a bed to lie on.<sup>52</sup> In Dover, similarly, one brothel was situated in Hawkesbury Lane, a location described at a local Board of Health meeting as being in 'a filthy state', and having overflowing surface drainage making it 'almost impassable'.<sup>53</sup>

In common with Maria Luddy's findings for Ireland, many Kentish women appear to have practised personal strategies of economic survival that combined streetwalking with applications to Boards of Guardians for relief, further substantiating links between prostitution and poverty.<sup>54</sup> In 1859 for example, the Medway Board heard an application for outdoor relief from an unnamed 'girl of a certain character, aged sixteen, who began her frightful profession at fourteen'.<sup>55</sup> The application was refused. In January of the following year an 'unfortunate' from a public house applied to Guardians to be admitted for her lying-in and was again refused.<sup>56</sup> In Dover likewise, prostitute Mary Putt who was arrested on the streets at the end of March 1861 had been admitted to the Buckland Union Workhouse by the time that the census was taken one week later.<sup>57</sup> Gravesend prostitutes Lydia Cripps, Elizabeth Spauls and Sarah Darge were all admitted to the Gravesend Union Workhouse between November 1872 and July 1873. All were discharged at their own request after periods of two weeks or less, suggesting that these applications were short-term responses to straightened financial circumstances.<sup>58</sup>

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<sup>52</sup> *Gravesend and Dartford Reporter*, 18 April 1857.

<sup>53</sup> *Dover Express and East Kent Intelligence*, 14 June 1862.

<sup>54</sup> Maria Luddy, *Prostitution and Irish Society*, p.55.

<sup>55</sup> *Chatham News*, 30 July 1859.

<sup>56</sup> *Ibid.*, 14 January 1860.

<sup>57</sup> *Dover Express and East Kent Intelligence*, 30 March 1861; 1861 Census, (550, 133:7).

<sup>58</sup> Centre for Kentish Studies, Gravesend Union Inmates Admission and Discharge Book (G/G W1a 13) (hereafter CKS Gravesend Union Inmates Admission and Discharge Book), 1873-1874.

Individual prostitutes' life stories further illustrate the role of poverty in some women's resort to prostitution. The life-story of Elizabeth Spauls, for example, pieced together from a number of documentary sources, is a case in point. Elizabeth was the second child and eldest daughter of William Spauls, a tailor, and was left motherless at the age of eighteen with two younger siblings under ten years of age.<sup>59</sup> Her sixty-five year-old father became unable to work due to ill health, and in July 1873 at the age of twenty Elizabeth, who described her occupation as a field labourer, sought admittance to the Gravesend Union Workhouse where she stayed only briefly, discharging herself a few days later.<sup>60</sup> When her father became indebted to the guardians Elizabeth appeared in his place before the magistrates, though by this time she was no longer living in the family home.<sup>61</sup> She was arrested soon afterwards, charged as a common prostitute and was found guilty of disorderly behaviour and the use of abusive and obscene language. Elizabeth served fourteen days with hard labour in Maidstone gaol.<sup>62</sup> She subsequently disappears from the records. Elizabeth's case exemplifies many of the characteristics outlined above: she came from a low income family, was motherless at a young age, and employed a mixed survival strategy that combined an application to the Poor Law Union with prostitution to earn a livelihood.

There is some evidence to suggest that some Kentish prostitutes enjoyed a slightly superior standard of living and of working than did the majority. For example, a letter written to the *Gravesend and Dartford Reporter* referred to 'fine residences, with large knockers and brass-plates on their doors, with framed invitations suspended in their windows, where the girl of fifteen with hoary old sinners meet'.<sup>63</sup> Similarly, in Maidstone it is clear that some women practised prostitution discreetly, since Stephen

<sup>59</sup> 1871Census, (893, 12:15); GRO Death Indices, (Vol. 2a) June 1871.

<sup>60</sup> CKS Gravesend Union Inmates and Discharge Book, 1873-1874.

<sup>61</sup> *Gravesend and Dartford Reporter*, 28 February 1874.

<sup>62</sup> *Ibid.*, 25 April 1874, 21 April 1877.

<sup>63</sup> *Ibid.*, 16 April 1864.

Rimbault the town missionary who had twenty eight years experience working with the poor in the town claimed to know personally of girls who, whilst not necessarily operating at a more lucrative end of the prostitution market were discreet in their general demeanour and way of working. These, he said dressed soberly, went to church regularly, conducted themselves quietly and demurely yet did no work and were well-known in the town as living by prostitution.<sup>64</sup> A further example is revealed by the evidence given in court at the prosecution of Matilda McDonald, landlady of the New Inn in Gravesend. PC Cox told the court that at about a quarter past eleven he saw a cab stop at the New Inn, and the door was immediately thrown open and two gentlemen and two prostitutes alighted from the cab and entered.<sup>65</sup>

However, there are few references to ‘fine residences’ and ‘gentlemen’ in the Kentish documentation. The majority of the prostitutes identified by this study appear to have been women of the labouring poor who used prostitution to eke out a living. These were, in common with Walkowitz’s findings, ‘members of the social “residuum”, the casual labouring poor who inhabited “the nether regions” of society.’<sup>66</sup>

## **Self Determination**

Whilst both the weight of evidence and the consensus of contemporary opinion link prostitution overwhelmingly with poverty, the connection is clearly one of association rather than a simplistic one of cause and effect. As Walkowitz has observed, not all destitute women made this choice and of those who did, few made it at the point of actual destitution or starvation.<sup>67</sup> Thus the question is begged ‘why did some women

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<sup>64</sup> Select Committee 1882, p. 237.

<sup>65</sup> *Gravesend and Dartford Reporter*, 8 August 1874.

<sup>66</sup> Walkowitz, *Prostitution and Victorian Society*, p. 3.

<sup>67</sup> *Ibid.*, p. 19.

choose this option and others not?’ The rationale for any individual woman to resort to prostitution appears to have been the result of a complex combination of circumstances of which poverty was a significant factor but not the single one. The determining feature is that of human agency, which links this discussion closely to fundamental themes of theoretical debate in the fields of feminist history and women’s studies. Self-determination is clearly difficult to evaluate and even more difficult to prove in the past, and can only be inferred from secondary reports of prostitutes’ actions and words. Yet the question of autonomy is fundamental to feminist historical analyses that emphasise women’s agency, and to an understanding of prostitution that is more sophisticated than a simplistic ‘prostitute as victim’ model.

The Kentish evidence suggests that the ‘victim or agent?’ debate, whilst fundamental to a theory of social relations that identifies gender as the predominant organising framework, has limitations for the purposes of the present study because it encourages an over-simplistic interpretation of a complex set of factors. That is to say, there are shortcomings, as Mahood has observed, to viewing women as exclusively ‘victim’ or exclusively ‘agent’.<sup>68</sup> Kentish prostitutes, like other members of the casual poor were undoubtedly victims of the economic conditions that were created or exacerbated by industrial capitalism. It is also clear that many of these women devised personal strategies to survive in adverse conditions. In this sense, as Mary Poovey has observed, the women can be seen both as agents and as victims.<sup>69</sup>

Anecdotal evidence relating to Kate Trew, Ellen Walter and Harriet Wood for example, suggests that the move into prostitution was often not made at the point of absolute destitution, and that there may have been an element of self-determination

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<sup>68</sup> Mahood, *The Magdalenes*, p. 13.

<sup>69</sup> Mary Poovey, *Making a Social Body: British Cultural Formation 1830-1864* (Chicago: University of Chicago Press, 1995), p. 88.

involved. Kate for instance, was born in Devon and was brought to live in Gravesend at the age of four. She had evidently held down several situations in service, before leaving her employer 'to follow her present dissipated course of life.'<sup>70</sup> It is clearly impossible to determine Kate's motivation for leaving service for a life on the streets, or indeed whether this move was one of her choice at all. However, since she had apparently successfully held down more than one position in the past, her move into prostitution could be interpreted as displaying an element of agency. Likewise prostitute Jane Brown of Dover, who was admitted to the Dover Home for Young Women following a court appearance, who had subsequently 'quitted and gone back to her old course of life', suggesting that she preferred life on the streets to that in an institution.<sup>71</sup> Mary Ann Burke of New Brompton worked at a school before reportedly leaving home to live at the Earl of Cardigan beer-house, having got into conversation with a girl who took her there.<sup>72</sup> The case of Harriet Wood, mentioned previously, is even more persuasive. Aged sixteen, Harriet had previously been in service at rural Wouldham, but had left and taken to frequenting 'low public houses' and robbing her mother of money and clothes. Despite her mother having gone to look for her and having taken her home twice, Harriet, it would appear, preferred the apparent bright lights of the public houses in Chatham to living with her parents, since she left home again to live at the Princess Royal, a public house notorious for housing prostitutes. Following the prosecution of the landlords Harriet was taken into the Chatham House of Refuge.<sup>73</sup>

In the case of some Kentish prostitutes, a comparison with the lives of siblings from the same background throws further light on the question of self-determination.

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<sup>70</sup> *Gravesend and Dartford Reporter*, 18 October 1873.

<sup>71</sup> *Dover Express*, 3 August 1861.

<sup>72</sup> *Chatham News*, 8 June 1867.

<sup>73</sup> *Ibid.*, 23 February 1861, 2 March, 23 March 1861.

The difference in outcomes suggests a degree of individual agency and deliberate choice, albeit from a restricted set of alternatives. Jane Garlinge of Canterbury for example was the youngest of the five children of a market gardener. Jane's parents Richard and Mary both survived into old age, and Richard worked as a gardener into his seventies, indicating that whilst the family may have been poor, they were not destitute. Jane left home to live in Canterbury, where she came to the notice of the police on at least two occasions for offences relating to prostitution. She is captured on the 1871 census resident at the police station, described as a prostitute and awaiting the hearing of a charge of being at the barracks for immoral purposes. Her sister Charlotte meanwhile, married a labourer, had seven children and lived with her family in the same rural village for thirty years.<sup>74</sup>

The parallel stories of prostitute Sarah Darge, who has already been mentioned, and her sister Clara provide a further example. Sarah and Clara were the fourth and eighth of the nine children of a Gravesend fish hawker and grew up in Clarence Street.<sup>75</sup> Their father died by drowning himself because of financial insolvency when Sarah was eleven years old and her mother Ann took over the family fish dealing business.<sup>76</sup> The girls' brother Joseph was sent to a reformatory at the age of ten for two years, but on returning home he resumed stealing from his mother. The following year eleven-year-old twins John and Henry were brought before the magistrates for stealing half a crown. In court, we are told, 'The poor woman wept bitterly when appearing in the witness box. She said she had five children to support, and she found it hard work to keep them'<sup>77</sup> Sarah's younger sister Clara went into service, firstly in Lee and subsequently with the

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<sup>74</sup> *Kentish Gazette*, 14 March, 4 April 1871; 1851 Census, (1631, 428:17); 1861 Census, (542, 17:10); 1871 Census, (968, 72:6); 1881 Census, (996, 18:9); 1891 Census, (705, 81:6).

<sup>75</sup> 1861 Census, (470, 180:25).

<sup>76</sup> *Gravesend and Dartford Reporter*, 15 March 1862.

<sup>77</sup> *Ibid.*, 6 April 1867.

family of a German merchant in Brixton.<sup>78</sup> She married a railway clerk called William Jackson and at the 1901 census is to be found living with Jackson and their child in Bermondsey, south London in a working class neighbourhood where fellow residents included a sorter at the post office, two police constables, a teacher and a commercial traveller.<sup>79</sup> Sarah meanwhile, had become, according to police, a well-known prostitute by the age of eighteen.<sup>80</sup> She spent two weeks in the union workhouse at the age of twenty-one before discharging herself. During the following few years Sarah was arrested on a variety of charges, from loitering for the purposes of prostitution to drunkenness, to fighting on the streets with other prostitutes. On one occasion, having been summoned for an assault Sarah came to the police court drunk.<sup>81</sup> In 1879 her mother Ann was found having died suddenly in bed, and two years later the 1881 census captures Sarah lodging in Peppercroft Street at the home of childless couple Edward and Hannah Cross, a cooper and his wife, her occupation given as dressmaker.<sup>82</sup> Here on one occasion, Sarah and her landlady Hannah Cross were both physically threatened with having their throats cut by a drunken client whom Sarah had brought home, after he thought Sarah had stolen some money from him.<sup>83</sup> The money was subsequently found in his pocket. Nine years later, at the age of thirty-eight, Sarah died in the Gravesend Union workhouse.<sup>84</sup>

Evidently this family suffered a reduction in financial circumstances on the death of the main breadwinner. Arguably the children were victims of an economic system that was structured in such a way that their widowed mother was unable to maintain the family adequately on her own. and of a social system that failed to provide

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<sup>78</sup> 1881 Census, (618, 94:34).

<sup>79</sup> GRO Marriage Indices, (Vol. 1c) December 1883.

<sup>80</sup> *Gravesend and Dartford Reporter*, 23 October 1869.

<sup>81</sup> *Ibid.*, 23 September 1873.

<sup>82</sup> 1881 Census, (872, 34:17).

<sup>83</sup> *Gravesend and Dartford Reporter*, 21 May 1881.

<sup>84</sup> Centre for Kentish Studies, Gravesend Union Death Register 1871-1914 (G/G W1d).

alternative support. However, one sister opted to go into service, which led ultimately to a future spent amongst the ranks of the ‘respectable’ working classes whilst Sarah took to life on the streets, a course that led ultimately to her death in the workhouse.

Another example is that of Mary Jane Harriet Brown who was born in Lewes, Sussex in 1846, the eldest child of a labourer. The family moved frequently during Mary Jane’s childhood possibly in pursuit of work, between locations across Sussex and Kent before settling in Gravesend where Thomas Brown found work as a coal labourer and took accommodation in St. John’s Place, one of the crowded courts of poor quality housing behind West Street.<sup>85</sup> Mary Jane became known to the police before the age of fourteen after a series of petty thefts, on one occasion of a pound of cheese, and on another a length of lead pipe, the latter of which earned her a custodial sentence of two months.<sup>86</sup> By the age of eighteen Mary Jane was being arrested for drunkenness and prostitution-related offences on a regular basis and her twelfth appearance before the bench, for being drunk and acting indecently with a man, resulted in a custodial sentence of three months.<sup>87</sup> The following year, having been caught pilfering from a fellow customer at the Brunswick Arms, it became apparent that her mother Harriet had also been involved in the incident and they were both imprisoned.<sup>88</sup> Mary Jane complained to the police that her father had ‘knocked her about’, and expressed a wish to enter a reformatory or penitentiary because she could not remain living at home, and threatened to take her own life.<sup>89</sup> Evidently this did not happen since shortly afterwards, now being described in court as a ‘disorderly prostitute’, Mary Jane was found drunk and insensible lying in a pool of water and mud and had to be carried to the police

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<sup>85</sup> 1861 Census, (476, 50:46).

<sup>86</sup> *Gravesend and Dartford Reporter*, 31 March, 20 October 1860.

<sup>87</sup> *Ibid.*, 28 January 1865; 1 February 1862.

<sup>88</sup> *Ibid.*, 21 January 1866.

<sup>89</sup> *Ibid.*, 3 March 1866.

station.<sup>90</sup> Three months after this, a case of theft of a loin of lamb involving both mother and daughter was referred to quarter sessions, where Mary Jane pleaded guilty and her mother not guilty. Harriet was tried and found not guilty. In sentencing Mary Jane to twelve months imprisonment, the magistrate said that at twenty-one years of age she had lived the life of a profligate but conceded that 'the evil example set to her by her mother might have influenced her to become a bad woman'.<sup>91</sup> Evidently on her release Mary Jane returned to the family home, resumed her old lifestyle and was back before the bench on a drunk and disorderly offence within a few months.<sup>92</sup> The family relocated to Canterbury some time over the next few years, Mary Jane accompanying them, after which she disappears from the records.<sup>93</sup> Clearly Mary Jane was a victim of her circumstances and upbringing and given her extreme youth at the commencement of her life in prostitution it might be argued that this does not indicate agency. However, she rejoined her family after twelve months imprisonment and subsequently moved to another area with them once older, suggesting an element of self-determination. It would appear therefore that whilst these women made choices about their lives from a very limited set of alternatives, it would be an over-simplification to see them purely as powerless victims.

## **Outcomes of Prostitution**

Whether prostitution was a short and temporary phase in a woman's life or whether it inevitably led to destitution is a question that lies at the heart of a long standing and on-going professional and academic debate. One of Finnegan's most significant contributions to the historiography, as was discussed in the previous chapter, has been

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<sup>90</sup> Ibid., 14 April 1866.

<sup>91</sup> Ibid., 28 July 1866.

<sup>92</sup> Ibid., 23 November 1867.

<sup>93</sup> 1871 Census, (971, 81:26).

to challenge contemporary commentator Dr. William Acton's assertion that prostitution was frequently a temporary phase through which many women passed unscathed, that prostitutes often lived well when compared with their counterparts who worked long hours for little pay as dressmakers or laundresses, and that they frequently made good marriages.<sup>94</sup> Finnegan's research showed that on the contrary, street-walkers' irregular and dissipated life-styles exposed them to general poor health, disease and unwanted pregnancies which in the absence of husband or friends to support them, often resulted in destitution, commitment to the workhouse and early death. Finnegan questioned 'why the popular image of the prostitute as demoralised creature treading the downward path ending in drunkenness, destitution and disease, was one which was so widely held if it was untrue?'.<sup>95</sup>

Walkowitz, who has heavily criticised Finnegan's methodology, argues that on the contrary, prostitution was a transitional stage through which many women passed before being re-assimilated into the ranks of the respectable poor and working classes. According to this view, the majority of prostitutes spent a limited time on the streets, and women turned to prostitution as a temporary 'refuge from uneasy circumstances'.<sup>96</sup> The implication is that women were able to opt in and out of prostitution as economic circumstances dictated. In the context of the current study, it is significant that Walkowitz and others have claimed that the CD Acts threatened the fluidity with which women had traditionally passed in and out of prostitution according to economic necessity.<sup>97</sup> Thus historians remain divided over whether on the one hand prostitution inevitably led to dissipation, illness and early death or whether it was a casual and

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<sup>94</sup> Acton, *Prostitution*, p. 128.

<sup>95</sup> Finnegan, *Poverty and Prostitution*, p. 8.

<sup>96</sup> Walkowitz, *Prostitution and Victorian Society*, p. 31.

<sup>97</sup> *Ibid.*, p. 5.

temporary occupation that was followed by rehabilitation into the ranks of the respectable poor.

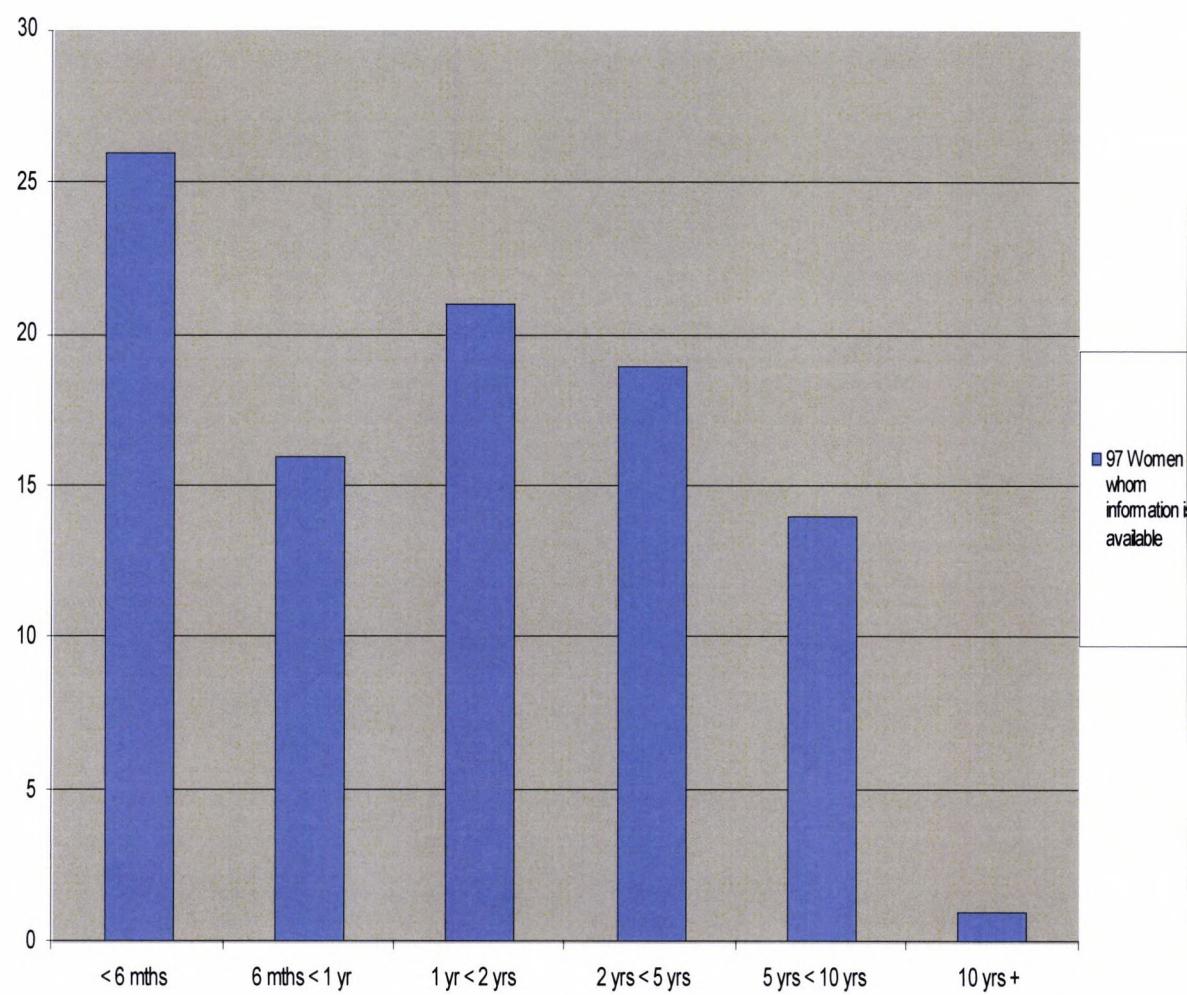
Studies that have argued that prostitution was a temporary phase have frequently cited the short average length of time that prostitutes spent on the streets as evidence of prostitution's temporary nature. The evidence from Kent however, suggests a much more mixed situation than either the Finnegan or the Walkowitz models allow for. Analysis of the interval of time between the first and last documented mention of ninety- seven women identified from court and other records suggests how long each might have spent on the streets. 61% of the total appears in the documentary records within a timeframe of less than two years, supporting the hypothesis that for these women prostitution was a transitional phase (see Figure 2.1).

Clearly this methodology is fallible since if a woman ceased to be arrested it does not follow that she had ceased to be a prostitute. However, arrest records such as that of Emma Preston, who appeared in court on four occasions in the space of two years and is then mentioned no more, or of Emma Goldsmith, five times in fourteen months and then no more, or Emma Bennet, arrested for soliciting three times in seven months and then no more, do strongly suggest that significant changes may have taken place to these women's way of life.<sup>98</sup> A substantial minority of the women did, however, remain engaged in prostitution over a longer period. 15% of the Kent sample was arrested periodically on prostitution-related charges over periods of longer than five years, suggesting that they were involved in prostitution for at least that long. In one case, that of Emma Smith, the length of time between the first and last documented arrest was eleven years and four months. Indeed, it was the opinion of several contemporary observers in Kent that the regime of medical care introduced under the

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<sup>98</sup> *Gravesend and Dartford Reporter*, 3 December 1864, 7 January 1865, 3 February, 23 June, 25 August, 3 November, 10 November 1866, 23 March, 24 August 1867.

**Figure 2.1: Length of Time Spent by Kentish Prostitutes on the Street**



Source: Calculated from first and last recorded mentions in the Kentish press, 1856 - 1878

CD Acts served to improve the health of prostitutes and was therefore a contributory factor in extending their careers on the streets.<sup>99</sup> Rev. Hugh Baker for example, whose missionary work brought him into contact with the Woolwich Rescue Home, observed that: 'these women continue in this life for years; they keep coming back over and over again....they are very old, many of them.'<sup>100</sup> James Baxendale, Manager of the Greenwich Women's Refuge meanwhile, believed that, based on his experience, prostitutes spent an average of three years on the streets.<sup>101</sup>

Kentish evidence suggests however that there was some considerable substance to the 'downward path to destitution' stereotype. Twenty-two of the 375 female inmates (6%) of the Kent County Asylum of all ages in 1881 for example, are described as prostitutes in the census returns, indicating that for these women at least there was a link between prostitution and incarceration as lunatics.<sup>102</sup> It is clearly impossible to establish whether prostitution was a causal factor in these cases, but individual life histories cast additional light on the question. The life histories of Catherine Jackson and Emily Huntley are examples of cases where the move into prostitution represented a first step on a downward path. Jackson, of whose background little is known, was born around 1851. At the age of seventeen, already having 'scarcely been out of the prison or the asylum' Catherine was once again brought before the Sheerness Magistrate for swearing at the Master of the Sheppey Union Workhouse. A previous period spent in the Barming Heath Asylum had resulted in Catherine's discharge after the surgeon had given his opinion that she was perfectly sane and just had an 'ungovernable' temper.<sup>103</sup> Two years later and this time arrested as a prostitute, whilst in police custody Catherine

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<sup>99</sup> F.B. Smith has suggested that the enhanced nutrition and adequate shelter provided in hospital may have been responsible for an impression of improved health. 'Ethics and Disease', *Historical Studies*, 15 (1971), 118 -135, (p. 127).

<sup>100</sup> Select Committee 1881, p. 188.

<sup>101</sup> Select Committee 1882, p. 459.

<sup>102</sup> 1881 Census, (954, 71:29).

<sup>103</sup> *Sheerness Times and General Advertiser*, 20 June 1868.

attempted to commit suicide by tying a piece of tape around her neck. She served a three-week sentence on this occasion and one of three months the following year, following which she disappears from the court records until the end of 1875.<sup>104</sup> After this however, she was a regular visitor to the courts on charges of being a riotous prostitute. Typically these charges alleged that ‘being a common prostitute she did wander in a certain public street and did there and then behave in a riotous manner.’<sup>105</sup> Between 1875 and 1878 Catherine served seven sentences of three months and one of two months, each time with hard labour. Therefore during this period she spent twenty-six months out of thirty-six in Maidstone gaol. Eventually Catherine was referred again to a doctor to be examined as to her state of mind, and was sent back to the County Lunatic Asylum where she is captured by the 1881 and 1891 censuses.<sup>106</sup> She died in the asylum at the age of forty-nine.<sup>107</sup>

Another Sheerness prostitute, Emily Huntley ended her days in the union workhouse. Born in Chepstow, Monmouthshire in 1845, by the age of seventeen Emily was living in Bristol with George Huntley, a cooper’s labourer whom she subsequently married.<sup>108</sup> The couple lived next door to George’s family, Emily earning a living as a hat-box maker as did George’s sister Mary. Evidently the couple separated some time after this, since by 1871 Emily had moved to Aldershot in Hampshire, a garrison town and a subjected district under the Contagious Diseases Acts. She lodged next to the Army and Navy Hotel and described her occupation as general servant, the likelihood being that she was already living by prostitution at this time.<sup>109</sup> George remained in Bristol and eventually started a new family. At some point over the next four years

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<sup>104</sup> Ibid., 7 May, 23 July 1870.

<sup>105</sup> CKS Sheerness Police Court Register, 23 June 1871.

<sup>106</sup> 1881 Census, (954, 71:29); 1891 Census, (704, 147:25).

<sup>107</sup> GRO Death Indices, (Vol. 2a) March 1900.

<sup>108</sup> 1861 Census, (1737, 122:25);

<sup>109</sup> 1871 Census, (816, 19:32).

Emily arrived in Sheerness. From 1875 onwards she was arrested on a number of charges mentioning prostitution, riotous behaviour, drunkenness and assault to which she pleaded guilty. Emily served four custodial sentences of three months each, and one of one month.<sup>110</sup> By the 1881 census, at the age of thirty-six, Emily was living in the Sheppey Union workhouse, described as a prostitute and a pauper.<sup>111</sup> Possibly she resorted to the workhouse as a result of sickness, since she died there a few months later.<sup>112</sup>

The evidence from Kent would therefore seem to point to a much more varied picture than some previous historian's models have allowed for. Whilst for a substantial number of women in the Kentish ports, dockyards and garrisons prostitution did represent a step towards disease, further poverty and even admission to the workhouse or the asylum, for many more it did not. Statistics relating to the Greenwich Women's Refuge for example, show that of the one hundred and forty seven women from Greenwich, Woolwich and Deptford who passed through the institution between 1872 and 1882, twenty-four (16%) subsequently married, thirty-five (24%) went into service, thirteen (9%) went back to family or friends whilst twenty-one (14%) returned to a life of prostitution.<sup>113</sup>

The legal marriages of seventeen women who had previously practised prostitution in Kent have been traced. This figure does not include a separate group of married or separated women who earned money by prostitution. It is likely that a far larger number contracted common-law marriages that are undocumented and therefore cannot be traced. The legal marriages of Emma Partlett and Harriet Herrington are typical of the group who married in that they married within their own class and

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<sup>110</sup> CKS Sheerness Police Court Register, 1 December 1875, 17 February, 19 June, 7 August, 26 December 1876, 1 October 1877, 6 June 1878, 3 February 1879.

<sup>111</sup> 1881 Census, (978, 43:35).

<sup>112</sup> GRO Death Indices, (Vol. 2a), June 1881.

<sup>113</sup> Select Committee 1882, p. 348.

immediate community. Thus their unions did not, as Dr. William Acton claimed, represent improved social status, nor a complete escape from poverty but did provide a measure of security against outright destitution.<sup>114</sup> Furthermore, marriage within their immediate communities suggests a high level of integration and lack of social ostracism.

Emma Partlett for example, was the fourth of the six children of a labourer and was brought up in Bull Yard, one of the crowded courts behind the High Street in Gravesend that was inhabited mainly by labourers and watermen.<sup>115</sup> Emma's father died whilst she was still in her teens, following which the family moved the short distance to Market Alley where Emma's mother Elizabeth supported the family through dealing in rags and bones.<sup>116</sup> Two of her brothers found work, as a coal porter and an iron moulder. Around the age of seventeen, and by now described in the local paper as 'a young prostitute, living in Market Alley' Emma was charged with being drunk and disorderly.<sup>117</sup> Two years afterwards Emma married Isaac Ambrose, a pot man at the Waterman's Arms, a public house that had associations with prostitution.<sup>118</sup> Isaac took employment as a steam-boat stoker, and they had a family. Emma's mother Elizabeth continued to live with them, still dealing in rags and bones.<sup>119</sup> In the late 1870s Isaac spent some time in the county gaol, and was represented by Emma at the court case for not sending the children to school.<sup>120</sup> After Isaac's death, Emma took lodgings in Swan Yard with her youngest two children, the elder two being at industrial schools, and she earned a living dealing in marine stores.<sup>121</sup>

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<sup>114</sup> Acton, *Prostitution*, p. 129.

<sup>115</sup> 1851 Census, (1608, 223:42).

<sup>116</sup> 1861 Census, (470, 82:40).

<sup>117</sup> *Gravesend and Dartford Reporter*, 23 February 1861.

<sup>118</sup> GRO Marriage Indices, (Vol. 2a) December 1863; 1861 Census, (471, 31:7); *Gravesend and Dartford Reporter*, 29 March 1856.

<sup>119</sup> 1871 Census, (890, 84:38).

<sup>120</sup> *Gravesend and Dartford Reporter*, 2 August 1879.

<sup>121</sup> 1881 Census, (871, 90:35).

Harriet Herrington came to the attention of Gravesend police on two occasions at the end of 1870 and beginning of 1871 on charges of drunkenness, and on both occasions was described in court as a prostitute.<sup>122</sup> At this time she was lodging in a house occupied by a labourer's family and describing her occupation as a nurse.<sup>123</sup> Two years later at the age of twenty-six Harriet married Reuben Ransley, a fellow lodger at the Pattens' and they moved to Upchurch, where Reuben took work as a brickfield labourer.<sup>124</sup> Harriet died childless fifteen years later at the age of forty-one.<sup>125</sup>

Numerous examples have been found in Kent of what has been termed 'professional' prostitution, that is, women of the same family working in prostitution, thus supporting Sung Sook Lee's argument that 'The prostitute-familial profession often extended to two or three generations, and this led the women to be able to work in prostitution without guilt or shame'.<sup>126</sup> Walkowitz has been accused of having over-generalised the role of the casual prostitute to the exclusion of established prostitution as a way of life.<sup>127</sup> Kentish examples include Fanny Blunt of Dover, who apparently had 'been on the streets' since the age of twelve with her mother's encouragement and whose sister had 'led the same life', and Dover brothel keeper Susannah Tolney whose own twenty year old daughter was herself a prostitute, according to the press.<sup>128</sup> The mothers of Harriett Crossthwaite and Sarah Martin, young Gravesend girls who practised prostitution, both kept brothels.<sup>129</sup> Sister groups include Priscilla and Patience Roland of Gravesend, the Lucas sisters Leonora and Clara of Maidstone who were discussed previously, and Elizabeth and Margaret Jones, also of Maidstone, who will be

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<sup>122</sup> *Gravesend and Dartford Reporter*, 29 October 1870, 28 January 1871.

<sup>123</sup> 1871 Census, (891, 57:53).

<sup>124</sup> GRO Marriage Indices, (Vol. 2a) December 1873; 1881 Census, (977, 65:25).

<sup>125</sup> GRO Death Indices, (Vol. 2a) June 1888.

<sup>126</sup> Lee, 'Victorian Feminism', p. 46.

<sup>127</sup> *Ibid.*, p. 47.

<sup>128</sup> *Dover Express and East Kent Intelligence*, 3 January 1863, 4 January 1862.

<sup>129</sup> *Gravesend and Dartford Reporter*, 15 April, 8 July 1865.

discussed in further detail later in this chapter. Sisters Mary Ann and Hannah Simpson of Gravesend were the second and third of the six children of James Simpson, an Essex shoemaker. The family moved to Gravesend and set up home in Brewhouse Yard and then in Clarence Street when Mary Ann and Hannah, just one year apart in age, were young girls. In 1856 the girls, described at the time as seven-year old twins, appeared at the Magistrates Court as witnesses in the prosecution of sixteen year-old William Clements for what is described as a 'criminal assault' on the girls.<sup>130</sup> Since it was deemed that the details of the offence were not fit for publication, it seems reasonable to conclude that this was a sexual assault. Little is known of the family's circumstances since they disappear from the records after the 1861 census. In October 1866, at the ages of sixteen and seventeen respectively, the girls were arrested in High Street. Hannah, described as a prostitute, was arrested for using obscene language and Mary Ann for being drunk and disorderly. They were both sent to Maidstone gaol for fourteen days with hard labour.<sup>131</sup> One week after their release, having made their way back to Gravesend, the girls were again found drunk and creating a disturbance in West Street, between one and two in the morning. Described as prostitutes at the subsequent court hearing, they were returned to Maidstone for one month.<sup>132</sup> Over the following years both girls were involved in a number of court cases, both as defendants and complainants. Mary Ann served two sentences of one month each in 1870, both times for obstructing the footpath, admitting in court on one occasion that she did not know how many times she had been to Maidstone gaol.<sup>133</sup> The girls both disappear from the court records after 1870.

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<sup>130</sup> *Gravesend and Dartford Reporter*, 7 June 1856.

<sup>131</sup> *Ibid.*, 20 October 1866.

<sup>132</sup> *Ibid.*, 3 November 1866.

<sup>133</sup> *Ibid.*, 9 April 1870.

## Prostitution and Lifecycle

Contemporary commentary was much preoccupied with questions relating to the ages of prostitutes, and the *Pall Mall Gazette* campaign, which culminated in the 'Maiden Tribute of Modern Babylon' scandal of 1885 contributed to a widespread belief that large numbers of very young girls were being forced into prostitution. Walkowitz has questioned this belief, concluding that 'the throngs of child prostitutes so highly advertised during the white-slavery campaign of 1885 must be dismissed as imaginary products of sensational journalism intended to capture the attention of a prurient Victorian public.'<sup>134</sup> Reliable statistical evidence relating to the ages of Kentish prostitutes is both scarce and contradictory and has to be used with a measure of caution. The forty-one patients at the Chatham Lock Hospital in 1871 for example had an average age of twenty years and eleven months; the oldest being thirty-two and the youngest sixteen.<sup>135</sup> Of the 590 women admitted during the six months to March 1871 furthermore, only thirty-five (6%) were under twenty years old.<sup>136</sup> It must be borne in mind however that the average age of these hospitalised women would necessarily be higher than the average age of all prostitutes as a result of the time taken from first risk of infection to diagnosable symptoms. These women were therefore not representative of the whole population of women who profited from prostitution. Statistics compiled by the Metropolitan Police in relation to women registered under the Contagious Diseases Acts (Table 2.5) suggest that the majority were aged between twenty-one and twenty-six. 844 women were registered as prostitutes in Kentish subjected districts as at

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<sup>134</sup> Walkowitz, *Prostitution and Victorian Society*, p. 17.

<sup>135</sup> 1871 Census, (912,58:1).

<sup>136</sup> 1871 Royal Commission, p. xiii.

**Table 2.5: Metropolitan Police Statistics on Prostitutes by Age**

	15 and under 16	16 and under 17	17 and under 18	18 and under 19	19 and under 20	20 and under 21	21 and under 26	26 and under 31	31 and over	Total
<b>Sheerness</b>	1	0	1	1	2	4	24	14	7	54
<b>Chatham</b>	0	1	2	10	20	25	81	54	10	203
<b>Woolwich</b>	0	1	3	3	18	23	82	58	12	200
<b>Shorncliffe</b>	0	1	2	4	9	10	31	9	4	70
<b>Greenwich</b>	0	0	2	3	8	10	35	25	21	104
<b>Dover</b>	0	1	2	2	6	7	31	10	8	67
<b>Canterbury</b>	0	0	2	4	5	10	18	9	2	50
<b>Deal</b>	0	2	2	2	2	4	9	3	0	24
<b>Maidstone</b>	0	0	0	0	2	2	21	7	2	34
<b>Gravesend</b>	0	0	2	0	5	5	14	2	10	38
<b>Total</b>	1	6	18	29	77	100	346	191	76	844
	0.2%	0.7%	2.%	3.4%	9%	12%	41%	23%	9%	

Source: Return of Statistics in Possession of Metropolitan Police, showing the Operation and Effects of Contagious Diseases Acts, to Dec. 1871, *PP.*, 1872, (114) XLVII p. 12-13

31 December 1871, 41% were aged twenty-one and under twenty-six, and 23% were twenty-six and under thirty-one but only 16% were under twenty. Once again however, these statistics have to be approached with caution. Considerable doubt was cast on the accuracy of the Metropolitan Police statistics by many contemporaries, an example being William Krause, a missionary with eighteen years experience working in the subjected district of Woolwich.<sup>137</sup> Krause claimed that a considerable number of young prostitutes were aged under eighteen in Woolwich, some as young as thirteen and fourteen. Similarly, in Chatham, fifty-six residents presented a petition to Parliament to the effect that the Metropolitan Police statistics in respect of juvenile prostitutes were inaccurate.<sup>138</sup>

The accuracy of the police statistics in respect of prostitutes' ages is likely to have been affected by the operation of the register. Officers responsible for overseeing the operation of the Acts in the subjected districts were, according to the Metropolitan Police's own publicity machine, charged with making efforts towards reclamation and rescue where possible, before registering a woman as a prostitute. Clearly this was more likely to happen with younger women who were less well entrenched in prostitution and were therefore believed to stand more chance of rehabilitation. Seventeen Kentish girls under the age of eighteen were 'returned to friends' in this way in 1874, and a further seven cautioned by the police and not registered. One example, as reported in the Assistant Commissioner's report for 1874, concerned a fourteen year-old called Harriett, from Gravesend. Harriett was apparently 'found in the company of prostitutes' by police, 'her mother was seen and made re-acquainted the following day,

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<sup>137</sup> Select Committee 1881, p. 526.

<sup>138</sup> Select Committee 1882, p. 44.

**Table 2.6: Age of Prostitutes known to Local Police, 1862**

	under 16	16 and over	total	under 16 as % of total
England and Wales	1,507	28,449	29,956	5
Kent	55	337	392	14
Canterbury	0	43	43	0
Deal	14	33	47	30
Dover	5	201	206	2
Gravesend	3	45	48	6
Maidstone	0	71	71	0
Rochester	4	18	22	18

Source: Return of Judicial Statistics of England and Wales 1862, *PP.*, 1863 (3181), LXV  
pp. 8, 49

and she has not been seen in bad company since'.<sup>139</sup> Thus the statistics are likely to have under-recorded the number of young teenagers engaging in prostitution. Nevertheless, the Metropolitan Police Statistics relating to teenagers do conform remarkably closely to national judicial statistics relating to the numbers of prostitutes known to local police forces in the period before the commencement of the CD Acts (see Table 2.6). These also suggest that the numbers of very young girls who practised prostitution were small. Whilst anecdotal evidence from Kent suggests that a considerable number of young girls became involved in prostitution, it does not necessarily suggest for how long they remained involved in that way of life. For example, ten girls were found by Dover police in the upstairs room of the Marine Arms in the company of thirty soldiers. One of the girls was fourteen years old, and the rest aged between fifteen and eighteen, according to the police officers' testimony.<sup>140</sup> Teenage girls were believed to be more receptive to reform efforts, and whilst the average age of the 470 girls admitted to the Kent Female Penitentiary up to 1876 was eighteen and a half, four inmates resident in May 1876 were only fifteen years old.<sup>141</sup>

Some young women were still living in the family home when they took to prostitution, and evidence suggests that this way of life did not necessarily involve estrangement from their families. Parent-Duchatelet likewise found that in Paris, many women had been living in the family home during the time they were living by prostitution.<sup>142</sup> Mary Jane Brown, Eliza Belcher, Lavinia Pearce and Emma Partlett are examples to be found in Gravesend. The former, for instance, was still living with her parents some six years after her first conviction as a prostitute.<sup>143</sup>

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<sup>139</sup> *Annual Report of the Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts, 1874* PP 1875 (97) LXI, (hereafter *Annual Report of Assistant Commissioner, 1874*), p. 5.

<sup>140</sup> *Dover Express and East Kent Intelligence*, 23 May 1863.

<sup>141</sup> *Kent Messenger*, 6 May, p. 8; 1871 Royal Commission, p. xlvi.

<sup>142</sup> Harsin, *Policing Prostitution*, p. 228.

<sup>143</sup> *Gravesend and Dartford Reporter*, 28 January 1865; 1871 Census.

Some women practised prostitution whilst married or cohabiting with common-law husbands. Magistrates in Dover for example, expressed themselves of the opinion that 'The state of morals revealed by this case was most revolting' after hearing the case against Jane Williams for stealing from a client. Having had sex with mariner Thomas Davis, Williams stole money from his trouser pocket and returned home to go to bed with the man 'who lived with her as her husband'.<sup>144</sup> Similarly, Stephen Rimbault, town missionary at Maidstone, claimed to the 1882 Parliamentary Select Committee that from his knowledge married women practised prostitution, often with their husbands' knowledge 'for the sake of obtaining dress', and that prostitutes who married soldiers or 'common men' did not leave 'the profession'.<sup>145</sup>

It was the experience of Miss Webb, matron of Chatham Lock hospital that married women were often 'reclaimed'.<sup>146</sup> Prudence Payton of Canterbury for instance, a married shoe binder who lived with her husband Phillip in North Lane, came to the attention of the CD authorities in 1870 for neglecting to attend for her regular examination, at which time she had been married for thirteen years.<sup>147</sup> Although sentenced to three weeks with hard labour, the case was adjourned because Prudence had expressed a wish to 'abandon her evil courses and lead a virtuous life'.<sup>148</sup> It would appear that Prudence did so, as the couple shortly afterwards moved to Lambeth, where Prudence found work as a tailoress and Phillip as a dock labourer, and they remained living together for at least another twenty years.<sup>149</sup>

Many single mothers also earned money by prostitution, further illustrating the link with poverty. Jane Boorman and Jane Waters, both of Maidstone for example,

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<sup>144</sup> *Dover Express and East Kent Intelligence*, 18 January 1863.

<sup>145</sup> Select Committee 1882, p.132.

<sup>146</sup> 1871 Royal Commission, p. xlivi.

<sup>147</sup> GRO Marriage Indices, (Vol. 2a) June 1857; 1861 Census, (517, 73:31).

<sup>148</sup> *Kentish Gazette*, 9 August 1870.

<sup>149</sup> 1881 Census, (529, 73:31); 1891 Census, (350, 24:4).

alternated appearances at the Magistrates Court for prostitution related offences with summonses for not sending their children to school in 1874/5, whilst Mary Ann Brown, alleged to be a prostitute by a neighbour, lived with her thirteen and eleven year-old daughters in Woollett St. in Maidstone and described her occupation as dressmaker.<sup>150</sup> When the two year-old son of prostitute Amelia Hearn died, the case made the pages of the local press. Amelia had asked a woman to nurse her child John and promised that she would pay her. Having received no payment the woman took the child to the workhouse, where he died of convulsions ten days later.<sup>151</sup>

### **Venereal Disease**

Poor health was a significant factor in a prostitute's decline into destitution. The Kentish evidence relating to venereal disease, whilst scant, does not support the claims of contemporary CD Acts repealers that prostitutes generally sought medical help voluntarily prior to the introduction of the Acts.<sup>152</sup> In common with Finnegan's findings in York, the evidence from Kent suggests that most prostitutes sought medical help only when their health had deteriorated badly enough to make it unavoidable.<sup>153</sup> Edward Swales, visiting surgeon to the Lock Hospital for Sheerness for example, testified to the 1866 Parliamentary Select Committee that in his experience prostitutes had been reluctant voluntarily to seek medical attention when infected.<sup>154</sup> Hugh Baker, Vicar of Woolwich likewise was of the opinion 'it was impossible in those days to get a poor girl in that condition in a hospital; that she would not go in'.<sup>155</sup> Their evidence is supported

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<sup>150</sup> CKS Maidstone Petty Sessions Minutes, 22 July 1871, 28 March 1874, 15 September 1874, 13 March 1875; *Maidstone Telegraph and West Kent Messenger*, 17 March 1866.

<sup>151</sup> *Gravesend and Dartford Reporter*, 8 March 1879.

<sup>152</sup> See for example *Shield*, 11 April 1870.

<sup>153</sup> Finnegan, *Poverty and Prostitution*, pp. 156-163.

<sup>154</sup> Select Committee 1866, p. 35.

<sup>155</sup> Select Committee 1882, p. 189.

by statistics relating to the Lock ward at St. Bartholemew's Hospital in Chatham. During 1866 the hospital was treating patients both from districts where hospitalisation was mandatory under the CD Acts, and from districts not under the Acts. Of the total number of lock-ward patients in 1866, fifty were from Chatham and twenty from Sheerness, districts already subject to the provisions of the CD Acts, which means that these women's hospitalisation was compulsory. At the same time there was only one patient from Gravesend and two from Maidstone, towns not yet subject to the Acts, which means that these women's hospitalisation was voluntary. This notable difference in numbers of voluntary and mandatory patients suggests that relatively few women sought medical help voluntarily, particularly since the medical treatment provided under the Acts was free of charge whereas voluntary treatment generally was not. These statistics are supported by anecdotal evidence. The Chatham Board of Guardians received numerous applications for welfare help from sick prostitutes prior to the enactment of the Contagious Diseases legislation. One such, a twenty-three year old was described as being 'in a dreadful state, and had been for several months.'<sup>156</sup> Another was apparently 'almost dying from disease and starvation' and the Board had been obliged to send a 'conveyance' to bring her to the Union, suggesting that she was too unwell to walk there.<sup>157</sup> The young woman in this case had previously been 'frequently in the house' supporting the theory, as discussed previously, that prostitutes used the union as an option of last resort in times of exceptional hardship. In another Chatham case, two young prostitutes 'reported to be afflicted with a frightful disease' had been admitted to the workhouse.<sup>158</sup> They told magistrates that they had been living at public houses, but had not been allowed to remain once the state of their health was

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<sup>156</sup> *Chatham News*, 23 March 1861.

<sup>157</sup> *Ibid.*, 3 May 1862.

<sup>158</sup> *Ibid.*, 7 September 1861.

known. Their landlord had apparently told them that he could not find doctors for them. In the light of this experience, the Chairman of the Chatham Board of Health Adam Stigant gave evidence in 1881 to the Select Committee on the Administration and Operation of the Contagious Diseases Acts to the effect that in his opinion, the majority of women would not avail themselves of voluntary medical care.<sup>159</sup>

Reverend Tuffield of Woolwich concurred with this view, observing that because diseased women had had to ‘submit to a cross-examination by a number of maiden ladies and others’ prior to the CD Acts, they did not go voluntarily for hospital treatment or examination.<sup>160</sup> It was apparently common practice for diseased women in Greenwich and Woolwich, according to James Baxendale manager of the Greenwich Women’s refuge, to go into Shooters Hill Woods to live once their health had deteriorated so badly that they were no longer able to earn money by prostitution.<sup>161</sup> Here, echoing the account of the ‘wrens of the Curragh’ given by Maria Luddy, they were supported by food donations brought to them by women who remained working on the streets.<sup>162</sup> Clearly therefore, repeal campaigners’ claims that a voluntary system of medical surveillance would have been more effective than the CD legislation does not appear to be borne out by the evidence from Kent.

Having considered the backgrounds, socio-economic circumstances and outcomes of Kentish street prostitutes this discussion now turns to an exploration of the material conditions amidst which the women lived and worked. This investigation serves to fully contextualise the discussions of regulation and control that follow in subsequent chapters of this thesis.

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<sup>159</sup> Select Committee 1881, p. 258.

<sup>160</sup> 1871 Royal Commission, p. 206.

<sup>161</sup> Select Committee 1882, p. 455.

<sup>162</sup> Maria Luddy, *Prostitution and Irish Society*, p. 61.

## Living and Working Conditions

### Living Arrangements

Kentish prostitutes predominantly lived either in pubs and common lodging houses, shared lodgings with other prostitutes or co-habited with men, but there is little evidence of pimping. These findings strongly support Walkowitz's thesis that prostitution was a female sub-culture, and that 'the 1860s and 1870s represented the high point for the prostitute as an independent operator, relatively unencumbered by third parties who had a vested interest in keeping her in prostitution.'<sup>163</sup> The only evidence that has been found of third parties being financially involved in prostitution relates to public houses in Chatham, where a fee was due to the house in lieu of rent for each sexual transaction that took place there. Mary Ann Burke for example, was charged no rent at the Earl of Cardigan, but clients paid three pence at the bar 'for going upstairs' and then paid Mary Ann directly for the sexual transaction.<sup>164</sup> At the Princess Royal, as has been mentioned, a similar arrangement was practised whereby no rent was charged but one shilling was due to the landlady each time a girl slept with a client.<sup>165</sup>

Kentish evidence relating to 'houses of ill-repute' paints a varied picture. Some were run much the same as other common lodging houses and the named tenant knowingly sub-let rooms to prostitutes and risked prosecution in exchange for a regular rental income, rather than being directly financially involved in the business. This arrangement conforms to Nolland's assertion that 'Accommodation houses were used for the liaisons, where rooms were rented for a night or portion thereof, much like a

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<sup>163</sup> Walkowitz, *Prostitution and Victorian Society*, pp. 24-25.

<sup>164</sup> *Chatham News*, 8 June 1867.

<sup>165</sup> *Ibid.*, 2 March 1861.

hotel.<sup>166</sup> Alternatively a woman rented her own lodging, which she may or may not have shared with another prostitute, and took clients there. Some women lodged in pubs and beershops, and conducted business in their rooms.

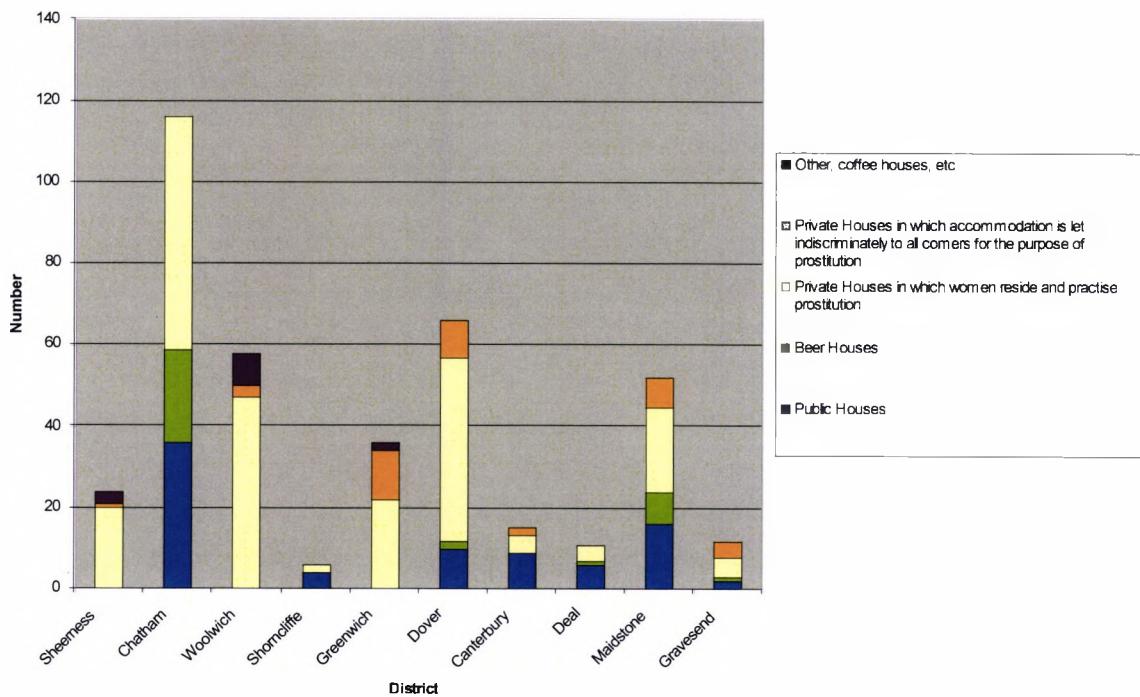
This evidence is substantiated by statistics compiled by Metropolitan Police Officers responsible for the implementation of the Contagious Diseases Acts. They categorised the brothels they became aware of either as 'public houses and beer houses', 'private houses in which women reside and practise prostitution', 'private houses in which accommodation is let indiscriminately to all comers for the purpose of prostitution' or other locations such as coffee houses. It is interesting to note that the breakdown between different types of brothel varied markedly from town to town, and over time (Figures 2.2 and 2.3). Clearly public houses played a much larger role in Chatham than in any other town and none at all in Woolwich and Greenwich or in Sheerness. The most marked change between the two dates is the decline in prominence of public houses and beershops, and the proportionate rise in 'other' such as coffee houses. The most likely explanation for this change is the Licensing Act of 1872, which gave magistrates increased powers over the way public houses were run.

The 1861 prosecution of William Payne and Emily Baseden, keepers of the Princess Royal public house in Chatham for example, reveals something of the role of public houses in prostitution before this date. Witnesses told Magistrates that they were told that there would be no lodgings to pay except when a man slept with them, when one shilling would be due to Baseden. Other examples include a twenty-three year old Chatham prostitute who applied for admission to the Medway workhouse and told the Board of Guardians that she had slept at a number of public houses with men. She named four taverns, but said that she had not had regular lodgings at any of them, and

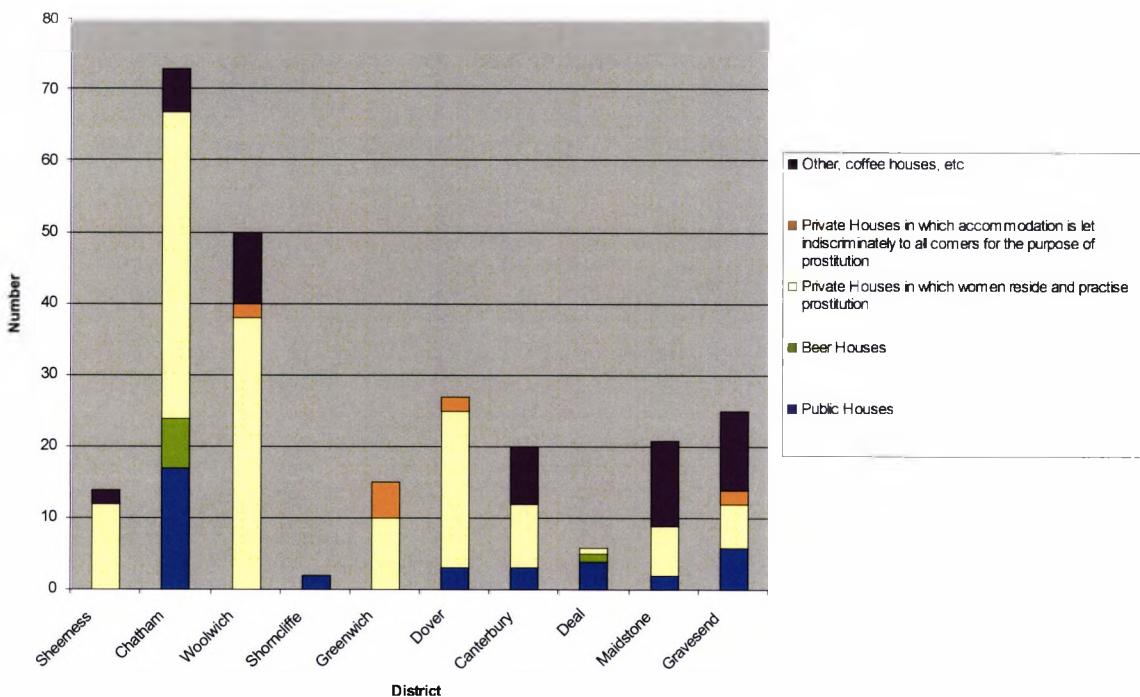
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<sup>166</sup> Nolland, *Josephine Butler and the Repeal of the Contagious Diseases Acts*, p. 81.

**Figure 2.2: Brothels 1870**



**Figure 2.3: Brothels 1875**



Source: Return of Statistics in Possession of Metropolitan Police, showing Operation and Effects of Contagious Diseases Acts to December 1871, *PP 1872 (114) XLVII*; Annual Report of Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts, *PP 1875 (97) LXI*

so had not been 'harboured' by the landlords.<sup>167</sup> In Dover there is evidence that some pub landlords exercised an abusive power over the prostitutes who lodged on their premises. It was apparently the case that when a beerhouse was sold 'the wretched women living there were sold with the furniture to the next owner.'<sup>168</sup> On the whole however, women appear to have been relatively free agents, able to make their own choices with regard to their living arrangements, and it was also possible for prostitutes to rent rooms in public houses by the night.

Interestingly, it is clear that some addresses retained their association with prostitution over a long period of time and numerous changes of occupant. One example is North Cottage in North Street, Gravesend. Mrs Ann Elizabeth Court rented the house in early 1859, allegedly not having known that it had previously been a brothel, which confirms that the house's reputation was acquired at least before this date. Court claimed that she had merely put a note in the window advertising beds to let, but her admission that a bed had been engaged by a man who was subsequently visited in his room by a young woman who was known to the police as a prostitute, and that Court herself was involved in the attempt to sell an item stolen from the man throws a measure of doubt on her assertion that she had no intention of running a brothel there.<sup>169</sup> The house was again mentioned as a brothel during the hearing of cases of theft from clients that took place there in 1862 and in 1865. The newspaper report of one of these described the address as 'the notorious North Cottage'.<sup>170</sup> Several years later still, Sarah Jael and James Lane were each convicted of running the house as a brothel in 1871 and 1873 respectively.<sup>171</sup>

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<sup>167</sup> *Chatham News*, 23 March 1861.

<sup>168</sup> 1871 Royal Commission, p. xliv.

<sup>169</sup> *Gravesend and Dartford Reporter*, 29 January 1859.

<sup>170</sup> *Ibid.*, 20 September 1862, 14 January 1865.

<sup>171</sup> *Ibid.*, 8 July 1871, 1 October 1873.

The majority of Kentish brothels were run either by single women or by couples, for example Catharine Gladwell, a married woman whose husband was in the lunatic asylum. Catherine had four teenage daughters to support and attempted to earn a living by hawking. Evidently she supplemented her income by sub-letting rooms in her house to prostitutes, since Elizabeth Burton and Ann Page both attested to having lived there.<sup>172</sup> Catherine was herself described as a prostitute in court on one of the many occasions when she was arrested for drunkenness. Thomas and Sarah Day meanwhile ran a brothel at their home in Three Tun Yard in Gravesend for over five years in the early 1870s. Sarah had herself been prosecuted for soliciting several years previously and had served two months with hard labour.<sup>173</sup> Ann Woodford, who ran a house of ill-fame at 5 Ifield St in Gravesend was married but said that she did not live with her husband, and Ann Gurney was convicted for running a disorderly brothel whilst living with a common-law husband, suggesting that the police recognised that she was the proprietor and responsible for the business.<sup>174</sup> In Maidstone, prostitutes Elizabeth Cripps and Clara Lucas shared lodgings whilst Annie Hearnden, landlady of the Two Brewers in Week Street let rooms to prostitutes for the night, although the house was not a licensed lodging house.<sup>175</sup> In Canterbury prostitute Eliza Bing lodged at the home of Jane Harris; at the 1871 census they both described themselves as dressmakers.<sup>176</sup>

In Sheerness, the evidence of prostitution as female sub-culture is even stronger. Prostitute Norina White let lodgings to two other women, whilst Sarah Charlesworth and Elizabeth Tremain, both prostitutes, lodged at the home of Mariane Hall who ran a stationer's shop. Rachel Levy, who was convicted as a riotous prostitute on numerous

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<sup>172</sup> Ibid., 9 April 1870.

<sup>173</sup> Ibid., 10 June 1865, 8 August 1874.

<sup>174</sup> Centre for Kentish Studies Gravesend Petty Sessions Records Minutes 1873-1875 (PS/ Gr Sm 4, 5), (hereafter CKS Gravesend Petty Sessions Minutes), 4 May 1874.

<sup>175</sup> *Kent Messenger and Maidstone Telegraph*, 3 February 1872.

<sup>176</sup> *Kentish Gazette*, 26 April 1870; 1871 Census, (967, 120:2).

occasions lived in Fountain Passage, letting lodgings to other prostitutes. Prostitute Elizabeth Foster also let rooms to three lodgers. The 1881 census captures several Sheerness prostitutes appearing to co-habit with sailors or marines, supporting what Walkowitz has observed about the services provided by prostitutes when sailors were in port: women offered 'a whole series of social as well as sexual services to sailors in port, housing them, holding their money, and protecting them from being skinned by unscrupulous lodging-house keepers and thief-prostitutes'.<sup>177</sup> Cecil Workman for example, a seaman in the Royal Navy was lodging at the home of Hannah Clasper who had convictions as a riotous prostitute, and Edward Owens lodged at the home of Martha Stimpson who also had convictions for prostitution.<sup>178</sup> Likewise Royal Marine George Jennings spent census night at the home of prostitute Emma Williams.<sup>179</sup> In each of these cases, the woman is listed as the head of household and the man is the only lodger in the house on census night.

The inference that prostitution was largely a female sub-culture is further substantiated by evidence relating to the collaborations in crime between prostitutes and their female landladies. Examples include Sarah Brown, a prostitute, and Sarah Goodyer, a brothel keeper, who jointly robbed a client of six pounds and ten shillings, an occurrence which according to the police, was not the first to have occurred at the house.<sup>180</sup> Similarly, when prostitute Sarah Rouse stole a 'pin' from a client, it was her landlady Ann Elizabeth Court, mentioned previously, who offered the item for sale at

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<sup>177</sup> Walkowitz, *Prostitution and Victorian Society*, p. 29.

<sup>178</sup> 1881 Census, (980, 66:16); (980, 60:4); CKS Sheerness Police Court Register, 9 December 1878, 21 July 1879, 26 March 1877, 29 April 1878.

<sup>179</sup> 1881 Census, (980, 53:31).

<sup>180</sup> *Gravesend and Dartford Reporter*, 27 October 1860.

Munn's pawnbroker. The women were described by the court journalist as 'Mrs. Court and her friend Sarah Rouse'.<sup>181</sup>

## Reformatories

The reformatory and penitentiary movement represented another means, in parallel to the criminal justice system, by which the activities of prostitutes were regulated and suppressed, and the reclamation and rescue of women who practised prostitution can in this way be seen as forming part of a much wider movement of control over groups of individuals whose behaviour was perceived as aberrant. The nineteenth century witnessed a phenomenal growth in philanthropic reclamation work with prostitutes, which has been described by Edward Bristow as a 'mid-Victorian rescue boom'.<sup>182</sup> Managers of reform institutions were selective in their admission policy and preferred to admit younger, malleable girls than older 'hardened' prostitutes.

In Kent, small refuges were established at Chatham, Dover and Canterbury in the mid 1800s, of which all were small with limited accommodation. The Dover refuge for example housed only eight to ten women of all ages and was always full. Discipline was strict, and women were employed in industrial work, needlework and reading and received 'pastoral administration.' About one third of the women who passed through its doors, according to the chaplain, were 'permanently reformed'.<sup>183</sup> Chatham was the scene of 'Midnight Meetings' in the 1860s, which began with a 'substantial tea', paid travelling expenses and distributed free clothing. These meetings, Helen Self has observed, 'served as recruiting grounds for penitents who were then redirected into

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<sup>181</sup> Ibid., 29 January 1859.

<sup>182</sup> Edward J. Bristow, *Vice and Vigilance: Purity Movements in Britain since 1700* (Dublin: Gill and Macmillan, 1977), p. 70.

<sup>183</sup> 1871 Royal Commission, p. xlivi.

asylums.<sup>184</sup> The much larger Kent Female Penitentiary survived for over thirty-five years. Otherwise known as St. Mary's Home, the penitentiary was opened in 1860 in Tenterden and relocated in 1865 to Stone, near Dartford. Funded by voluntary subscription, 1,300 girls had passed through its doors by 1895. They were generally sent by clergymen or by district visitors, and were kept to a strict timetable of work and prayer. St. Mary's preferred to admit girls from refuges because they had already demonstrated the willingness to reform. The regime at the penitentiary, according to the observations left in her memoirs by the Lady Superintendent of the home Harriet Nokes, appears to have represented a less than attractive alternative to life on the streets. On first entering the home, girls remained in the probationers' department for at least three months, where they were allowed no communication with the rest of the inmates.

Following probation they were moved to the laundry. In the year to May 1876, the forty-five residents, with an average age of eighteen and a half earned the home an income of £900 through laundry work. Here, they followed a strict regime that commenced at 7.00am with silent breakfast, followed by work in the laundry until 7.30pm, punctuated only by short meal breaks. prayers in the chapel and fifty minutes' recreation after lunch. Bedtime at 9.30pm was strictly enforced. Even so, this timetable appears somewhat more relaxed than that at the Glasgow Magdalen asylum, where laundry workers commenced at 6.00am.<sup>185</sup> Inmates of the Kent penitentiary could, according to Nokes, leave at any time subject to four days' notice.<sup>186</sup>

Although Susan Mumm has argued that penitentiaries were 'not experienced as unbearably punitive', and Maria Luddy has emphasised that Irish reformatoryies provided shelter and respite to the destitute, contemporary Felicia Skene claimed to

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<sup>184</sup> Self, *Prostitution, Women and Misuse of the Law*, p. 23.

<sup>185</sup> Mahood, *The Magdalenes*, p. 79.

<sup>186</sup> Harriet Nokes, *Thirty Two Years in a House of Mercy* (London: Society for Promoting Christian Knowledge, 1895, first published 1886), p. 35.

have been told by many girls that they were 'worse than the jail'.<sup>187</sup> Paula Bartley has described how, in spite of the theoretical distinction made by reformers between Magdalen asylums, penitentiaries and reformatories, the punitive regimes experienced by inmates differed little in practice, and she has argued that 'Reform institutions, in a number of respects, can be seen as an informal extension of the prison system'.<sup>188</sup> Self has argued similarly that 'there is little doubt that many institutions were prisons in all but name'.<sup>189</sup> It is perhaps unsurprising therefore that the Kent penitentiary claimed a less than 50% success rate in its first fifteen years.<sup>190</sup> The prospects for the girls who were successfully 'reformed' consisted of being sent from the reformatory into service or similar employment. Typically positions were obtained in the laundries of larger reformatories, such as the girl who became a 'packer and sorter' at the laundry connected with a sisterhood, and another the head laundress in a large reformatory.<sup>191</sup> Mahood has argued that situations of this kind, which kept women dependent on others for food and board, rather than in more 'public' paid employment, were preferable to the directors of reformatories because they kept the women under closer supervision.

Evidence suggests that many young women targeted by reclamation work chose to remain on the streets, where they at least retained a degree of independence and autonomy. A young prostitute in Greenwich, brought to the magistrates' court for refusing to be medically examined under the CD Acts for example, was offered to be excused if she would enter a reformatory. She opted for the examination instead.<sup>192</sup> Jane Brown likewise, admitted to the Dover Home for Young Women having been

<sup>187</sup> Susan Mumm, 'Not Worse than Other Girls': The Convent-based Rehabilitation of Fallen Women in Victorian Britain' *Journal of Social History*, 29 (1996), 527-547, (p. 527); Luddy, *Prostitution and Irish Society*, p. 239; Skene, *Penitentiaries*, pp. 9-11.

<sup>188</sup> Bartley, *Prostitution: Prevention and Reform*, p. 35.

<sup>189</sup> Self, *Prostitution, Women and Misuse of the Law*, p. 24.

<sup>190</sup> *Kent Messenger*, 6 May 1876.

<sup>191</sup> Nokes, *Thirty-Two Years in a House of Mercy*, pp. 46, 57.

<sup>192</sup> *Greenwich and Deptford Chronicle* quoted in *Shield*, 18 July 1870, p. 163.

discharged from a charge of theft, had 'quitted and gone back to her old course of life' after a very short stay, since she was back in court on another charge only one month later.<sup>193</sup> Amelia Guilder aged nineteen, and Emma Smith twenty-one, removed themselves from the Chatham House of Refuge and took lodgings in the Duke of York public house, having stolen the matron's cloak.<sup>194</sup>

The Kent Female Penitentiary held an annual meeting for its subscribers and friends, one report of which reveals that the home received considerable local support.<sup>195</sup> In addition to financial subscription, contributions of food, gifts and clothing were made by local benefactors. These included Mrs George Solomon who gave fruit, flowers, milk and eggs and Mrs Ray who donated bookmakers for the chapel and gifts for the Christmas tree. Finnegan has contrasted the 'outraged popular opposition' to the CD Acts and the 'agitation organised on an unprecedented scale' that was mobilised to lobby for their repeal, with the 'approval and support' of society that the penitentiary movement enjoyed. Specifically, she points to the contrast in responses of middle-class educated women who displayed 'moral courage and sense of outrage' towards the CD Acts, yet did not oppose the penitentiary movement but actually gave it their support, whether directly or indirectly.<sup>196</sup>

### **Public Demeanour**

Walkowitz has argued that prostitutes displayed a degree of independence and assertiveness in their public behaviour that was rarely found among women of their own social class, and was certainly unknown amongst middle-class women.<sup>197</sup> The Kentish

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<sup>193</sup> *Dover Express and East Kent Intelligence*, 6 July 1861, 03 August 1861.

<sup>194</sup> *Chatham News*, 26 May 1866.

<sup>195</sup> *Maidstone Telegraph and West Kent Messenger*, 6 May 1876.

<sup>196</sup> Finnegan, *Do Penance or Perish*, pp. 2-4.

<sup>197</sup> Walkowitz, *Prostitution and Victorian Society*, p. 20.

evidence, which is limited to the press reportage of Magistrates' Court cases, partially supports this thesis. These accounts contain both descriptions of prostitutes' behaviour within the courtroom and frequently a description of events surrounding the case, enabling some impression to be formed of the women's general demeanour. It is certainly the case that the majority of streetwalkers do not appear to have conformed to prescriptive mid-Victorian notions of respectable feminine public behaviour, and that on the whole they displayed a marked lack of intimidation by authority figures. Dover prostitute Sarah Valentine for instance, having been convicted on a charge of assaulting a police officer and given the option of a fine retorted that she would, instead 'go to gaol and lay it out'.<sup>198</sup> However, it is evident that in the social milieu to which Kentish prostitutes belonged, such female independence and assertiveness was not restricted to prostitutes. Drinking in pubs, public brawling and drunkenness, swearing and a lack of intimidation by authority appear to have been characteristic of numerous women of the casual poor who were mentioned in the local press, both those who earned money by prostitution and those who did not, and can be interpreted as expressions of an anti-establishment sub-culture. Examples include a Chatham woman called Mary Ann Hicks who physically intervened when a brickmaker called Henry Russell abused her husband in the Cricketers beerhouse, as a result of which she suffered a severe beating.<sup>199</sup> Catherine Smith, a Maidstone woman who was arrested for drunkenness over twenty-five times but who was never alleged to be a prostitute, on being sentenced to one month's hard labour informed the bench that she could 'do it on her head'.<sup>200</sup> In a similar vein, after prostitute Emma Smith had been charged with an assault, she was informed by the court that there was another case against her, and was asked if she

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<sup>198</sup> *Dover Express and East Kent Intelligence*, 18 May 1861.

<sup>199</sup> *Chatham News*, 10 November 1866.

<sup>200</sup> *Kent Messenger and Maidstone Telegraph*, 28 March 1874.

would consent to its being heard then or would prefer to be summoned. Emma's reply to the bench was: 'Yes, if you like, I might as well be hung for a sheep as a lamb; go on, mate!'<sup>201</sup> This evidence contrasts strongly with the images presented in the LNA literature, which employed a discourse of powerlessness and victimisation in its description of prostitutes. The Kentish women identified here do not conform to the stereotypes suggested by descriptions such as 'poor wretched creatures', 'the enslaved', 'defenceless women' or 'unhappy victims'.<sup>202</sup>

### **Theft**

The Parent-Duchatelet research cited by Jill Harsin pointed to high levels of theft amongst prostitutes in early nineteenth century Paris, substantiating traditional associations between prostitution and criminal behaviour.<sup>203</sup> Evidence from Kent fifty years later concurs with these findings regarding prostitutes' 'second profession' in many respects, but differs in that the Kentish judiciary at the later period do not appear to have regarded theft 'as merely an aspect of prostitution' to be settled informally. Many such crimes earned substantial custodial sentences, and were, where appropriate, referred to quarter sessions to be tried by jury.<sup>204</sup>

As in Paris, the majority of thefts by Kentish prostitutes appear not to have been crimes of subsistence, but to have involved items of substantial value or considerable amounts of cash. Exceptions are to be found amongst juveniles, and indeed there are indications that petty theft was a transitional stage through which some teenage girls passed en route to prostitution. Elizabeth Coppin for instance, came to the attention of police for stealing scarves at the age of sixteen. She was discharged, but was arrested

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<sup>201</sup> *Gravesend and Dartford Reporter*, 22 January 1876.

<sup>202</sup> *Shield*, 11 April, 18 July 1870, 25 November 1871.

<sup>203</sup> Harsin, *Policing Prostitution*, p. 134.

<sup>204</sup> *Ibid.*, pp. 148-150.

again ten days later for stealing a plum cake, and was sent to a reformatory for four years. Six years later, she is numbered among the inmates of the Chatham Lock Hospital undergoing treatment for venereal disease.<sup>205</sup> Martha Bright similarly was brought before the magistrates at the age of fourteen for stealing a loaf and a currant cake. When she was subsequently charged with another offence three years later the court was told she was a common prostitute.<sup>206</sup> Likewise Mary Ann Ridley who was born in 1856 and first came to the attention of the police at the age of fifteen when she stole ten shillings from a neighbour in Bath Street and was sentenced to one month's imprisonment. The following year she was back before the bench this time having stolen a pair of sheets from her parents, which incurred a three-month custodial sentence with hard labour. At some point over the next two years Mary Ann took to prostitution, since in early 1874 at the age of eighteen she was charged with failing to attend for a regular examination under the Contagious Diseases Acts, for which she was sentenced to fourteen days. The following year she was arrested again for soliciting in the High Street.

With the exception of cases involving juveniles, incidents of theft by prostitutes generally involved items of value or substantial amounts of cash. Cases passing through the magistrates' courts in Kent involved sums of money upwards of ten shillings, many of which were of over three pounds and in one case of six pounds and ten shillings. Items of value include the gold watch and chain that Margaret Green attempted to steal from a Gravesend beer-shop keeper. Rose Richards, a Maidstone prostitute allegedly bought herself a pair of white boots with the proceeds of a pick-pocketing spree in which William Saunders from Faversham had five pounds in gold stolen from him at

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<sup>205</sup> CKS Maidstone Petty Sessions Minutes, 28 January 1865, 7 February 1865.

<sup>206</sup> *Gravesend and Dartford Reporter*, 15 April 1871, 8 June 1874.

the Castle Inn.<sup>207</sup> Other items include a cloak valued at ten shillings stolen by Hannah Jackson from the landlady of the Army and Navy Tavern, and the articles of property to the value of seven pounds including his waistcoat that John Cairns awoke to find missing having spent the night with Annie Ledger, a prostitute living in Eden Place, Gravesend.<sup>208</sup> As Harsin has observed 'Almost any item a prostitute could get her hands on was of some value, for virtually anything could be sold, if only to a pawnbroker'.<sup>209</sup>

In many instances prostitutes operated with an accomplice. Mary Ann Martin was charged with theft jointly with a middle-aged male employee of Edward Bryant, linen draper. The stolen items from Bryant's shop were all found at Mary Ann's lodgings, but the case was dismissed when Bryant declined to press charges.<sup>210</sup> In another case Sarah Brown, a prostitute colluded with Sarah Goodyer, the keeper of the brothel in which she lived, with stealing six pounds and ten shillings from James Toffey, who was described as a sailor and whom might reasonably be assumed was a client. At the court hearing, the police superintendent confirmed to the bench that there had been frequent previous robberies at the house, which suggests an established pattern.<sup>211</sup>

Rural labourers who went into Maidstone for some entertainment appear to have been particularly vulnerable to theft. Thomas Botton, a waggoner's mate from Coxheath, had twenty-six shillings in silver in his pocket when he met Charlotte Smith and her sister, both prostitutes, together with a male friend called George Wood in the Little Star beer-shop. They invited him to join them. Having drunk some beer, they all moved on to the Eagle where Botton bought them all rum. Botton's recollection of

<sup>207</sup> *Maidstone Telegraph and West Kent Messenger*, 28 May 1870.

<sup>208</sup> *Sheerness Guardian*, 7 January 1865; *Gravesend and Dartford Reporter*, 15 October 1870.

<sup>209</sup> Harsin, *Policing Prostitution*, p.149.

<sup>210</sup> *Gravesend and Dartford Reporter*, 19 May 1860.

<sup>211</sup> *Ibid.*, 27 October 1860.

what happened after this was apparently somewhat confused, since by the time the police arrived he was 'insensible', but witnesses attested to having seen him being beaten by Wood and to Smith having stolen his money.<sup>212</sup>

In another case Henry Thorney from Staplehurst went into Maidstone for the evening and met Elizabeth Parker, a prostitute, on the street corner outside a public house. She asked him to buy her a drink and they went together to a little room at the Prince Alfred. Having ordered a glass of rum, Thorney said that Elizabeth had put the glass to his mouth for him to drink first. As he did so, Thorney felt her hand round him, reaching into his pocket and he realised his purse and its contents were missing. At the Magistrates' Court, Elizabeth pleaded guilty and was sentenced to six weeks with hard labour. The chairman of the bench, in passing sentence 'hoped it would be a caution to prosecutor not to enter such company in future.'<sup>213</sup>

Thomas Phelps was similarly robbed when he went to Gravesend for a day's holiday in what was apparently an early case of reported sex tourism. Phelps and his brother James, two working mechanics from London went to 'a house of questionable character'. Thomas had three pounds and ten shillings in his tobacco box. By his own admission he went to bed intoxicated and woke in the morning to find Joanna Smith, a 'girl of ill fame' in bed by his side. There were two other women sleeping in the room, and he found he had only half a sovereign left. The case was dismissed by the magistrates for lack of evidence.<sup>214</sup> By definition, prostitution appears to have provided a good opportunity for theft from clients because in many cases there was only circumstantial evidence and no third party witness. A female searcher was employed at Gravesend police station to make a body search of suspected thieves, and on occasion

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<sup>212</sup> *Kent Messenger and Maidstone Telegraph*, 7 March 1874.

<sup>213</sup> *Kent Messenger and Maidstone Telegraph*, 14 April 1866.

<sup>214</sup> *Gravesend and Dartford Reporter*, 13 July 1867.

stolen items were immediately recovered, such as the silver watch and chain belonging to William King that was discovered in Mary Patrick's stays.<sup>215</sup> Many other cases were dismissed for lack of evidence, there being no independent witness to the alleged crime.

Whilst the local judiciary appears to have been prepared to deal severely with the perpetrators of such incidents, one also detects from the press reportage of these cases their belief that the victims had only themselves to blame. Sentencing Sheerness prostitute Jane Ladd to six months with hard labour for stealing £3 7s 6d from a sailor, the magistrate commented that 'the prisoner belongs to that class of persons who seemed to avail themselves of the opportunities offered by improvident seamen, to plunder them'.<sup>216</sup> As David Taylor has observed: 'Men buying sexual favours, or simply allowing themselves to be bought drinks by women, ran the risk of being robbed, and with no guarantee of a sympathetic hearing should they overcome their embarrassment and bring the case to court'.<sup>217</sup> James Brown, who said that a porte-monnaie had been stolen from him at a brothel in Three Tun Yard Gravesend for example, was informed by the bench that 'if he kept such company he must expect to be robbed'.<sup>218</sup> A Maidstone man called Briggs was exposed to a more severe humiliation when he 'left the witness box amidst the laughter of the court' having prosecuted after an incident in which he discovered fourteen shillings missing when he woke up after spending the night with prostitute Kate Davis. There being no evidence to trace the money to Kate, the case was dismissed.<sup>219</sup> Gravesend Magistrate Robert Oakes took the opportunity to tell theft victim Patrick Goodfellow that the 'bench were disgusted at his behaviour' for falling into company with prostitutes Eliza Richardson and Margaret

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<sup>215</sup> *Ibid.*, 5 December 1857.

<sup>216</sup> *Sheerness Times and General Advertiser*, 23 July 1870.

<sup>217</sup> David Taylor, *Crime, Policing and Punishment in England 1750-1914* (Basingstoke: Macmillan, 1998), p. 41.

<sup>218</sup> *Gravesend and Dartford Reporter*, 10 May 1856.

<sup>219</sup> *Maidstone Telegraph and West Kent Messenger*, 1 December 1866.

Morrison and agreeing to go to a room with them, before sentencing the women to three and four months with hard labour, respectively.<sup>220</sup> One can only speculate as to how seaman Thomas Row got home after his encounter with Chatham prostitute Ellen Marshman. Having spent the night with her in a cottage in the yard at the back of the Lord Nelson Public House, Row woke next morning to find Ellen, his trousers, and the £1 8s 6d that had been in his pocket all missing.<sup>221</sup> Ellen pleaded guilty, and was sentenced to one month with hard labour. It is likely that, for the reasons Taylor indicates, that these incidents were under-reported to the police. Nevertheless given sufficient evidence and especially in the case of repeat offenders, prostitutes were punished severely for theft from customers. Mary Ann Golding of Chatham for instance, was finally sentenced to ten years' penal servitude after twenty-two previous custodial sentences for the theft of money and a silver watch, chain, seal and key from a client.<sup>222</sup>

## Drunkenness

Drunkenness and excessive drinking appear to have characterised the lives of many Kentish street prostitutes. The close link between prostitution and alcohol was remarked upon by a number of contemporaries, including William Logan who in 1871 claimed that 'the evil is all but universal among prostitutes.'<sup>223</sup> Excessive alcohol consumption had been perceived as a considerable social problem since the early part of the century, when a rise in real wages had coincided with a reduction in spirit duties. This situation was exacerbated by the shift in population from the countryside to urban environments, where large masses of people were crowded into

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<sup>220</sup> *Gravesend Reporter*, 18 December 1858.

<sup>221</sup> *Chatham News*, 28 December 1861.

<sup>222</sup> *Chatham News*, 23 December 1865, 6 January 1866.

<sup>223</sup> William Logan, *The Great Social Evil: Its Causes, Extent, Results and Remedies* (London: Hodder and Stoughton, 1871), p. 56.

inhospitable and unsanitary housing. By contrast, pubs provided a warm and convivial meeting-place. In these circumstances, it has been argued, ‘public drunkenness was an everyday fact of life.’<sup>224</sup> The per capita consumption of both beer and spirits rose to all-time highs in the mid 1870s, as did the figure for expenditure on drink per head of the population.<sup>225</sup> *The Times* believed that: ‘It is drunkenness which fills the poor houses and lunatic asylums, the hulks and the gaols’, an opinion clearly shared in Kent, where the Recorder at the Gravesend Quarter Sessions deplored the large increase in arrests of habitual drunkards in 1872: ‘There was no doubt that the greater part of the crime of the country originated in drunkenness.’<sup>226</sup>

It is difficult, from the evidence available, to ascertain whether drunkenness contributed to prostitution, or vice versa. Logan was certainly of the opinion that in many cases women turned to prostitution to fund their addiction to alcohol. Evidence from Kent clearly supports historians’ observations that taverns and public houses played an important part in the procurement of clientele by prostitutes.<sup>227</sup> Local authorities in many of the Kentish subjected districts controlled obvious signs of soliciting on the streets, and thus public houses provided an opportunity to ply for trade. For example, in similar but separate incidents Alfred Newing, a labourer at the Northfleet dockyard, and Joseph Arnold a young man, were drinking at the King’s Head and the Alexandra Tap in Gravesend respectively, when they got into conversation with young women who afterwards took them to brothels in North Street and Three Tun Yard.<sup>228</sup>

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<sup>224</sup> Roy M. MacLeod, ‘The Edge of Hope: Social Policy and Chronic Alcoholism 1870-1900’, *Journal of Social Medicine and Allied Sciences*, 22 (1967), 215-245 (p. 216).

<sup>225</sup> A. E. Dingle, ‘Drink and Working-Class Living Standards in Britain, 1870-1914’ *Economic History Review*, 25 (1972), 608-622 (pp. 609-611).

<sup>226</sup> *Times*, 23 January 1858 quoted in Macleod, ‘Edge of Hope’, p. 216; *Gravesend and Dartford Reporter*, 4 January 1873.

<sup>227</sup> Finnegan, *Poverty and Prostitution*, p. 145.

<sup>228</sup> *Gravesend and Dartford Reporter*, 14 January, 18 November 1865.

One third of prosecutions brought against prostitutes in Gravesend between 1864 and 1875 were for offences related to drunkenness. Whilst a ‘scientific appreciation of alcoholism’ was only beginning to become general during the second half of the nineteenth century, it is clear from contemporary police statistics, which clearly differentiated between ‘drunk and disorderly’ convictions and convictions of ‘habitual drunkards’, that the severe, persistent inebriation of apparently alcohol-dependent individuals was perceived as a unique category and as posing a greater problem.<sup>229</sup> Of the sixty-nine prostitutes identified as having been charged with drunkenness-related offences in Kent during the period under study, one third were arrested twice or more for the same offence. Eliza Bennett of Gravesend was charged with drunkenness at least seven times within three years, whilst Eliza Richardson, at her twelfth appearance on drunk and disorderly charges, told the court that if it had not been for the drink, she would not have so ‘mis-conducted herself’.<sup>230</sup> Elizabeth Laws, described in court as a ‘common prostitute’ and charged with being drunk and causing a disturbance in Rochester High Street, on being asked for her plea, replied that she ‘supposed she must be guilty, but that she couldn’t remember anything about the incident’.<sup>231</sup> Chatham prostitute Elizabeth Ann O’ Mally appeared in court so many times on drunkenness charges (forty-nine or fifty as at June 1861) that the press reporter described her, somewhat wittily, as ‘a regular customer at the bar of justice’.<sup>232</sup> As has been seen, the 1872 Licensing Act carried a penalty for the landlords of public houses who ran their houses as brothels and allowed prostitutes to ‘assemble’ on the premises. In practice however, most local authorities appear to have interpreted this statute as allowing a

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<sup>229</sup> Macleod, ‘Edge of Hope’, p. 217.

<sup>230</sup> *Gravesend and Dartford Reporter*, 12 January 1861.

<sup>231</sup> *Chatham News*, 11 January 1862.

<sup>232</sup> *Ibid.*, 1 June 1861.

known prostitute onto the premises so long as she remained only long enough to 'obtain refreshment'.<sup>233</sup>

When Clara Greenstreet of Dover was found drunk and disorderly she was apparently 'extended across the pavement' and was conveyed to the station by two constables 'in a paroxysm of rage'.<sup>234</sup> Margaret Cowl of Sheerness was so drunk the arresting officer had to take her to the lock-up on a truck.<sup>235</sup> Evidently there was no truck to hand when PC John Jayne arrested Mary McGarth for drunken and noisy conduct in Peppercroft Street Gravesend, since he had to carry her, whilst in Greenwich Ellen Walter, who had previously been a nurse but was now leading 'a dissolute life' was found lying drunk across the footway in the Greenwich Road. These women clearly jeopardised their own safety; prostitutes Mary Ann Chiton of Sheerness and Rosella Groves of Gravesend both tried to take their own lives by drowning whilst intoxicated.

As has already been seen in the cases of Thomas Phelps and Thomas Botton, alcohol played an additional role in the modus operandi of prostitutes because it provided a means of befuddling the wits of intended victims of theft, so that their testimony could not be later relied upon in court. The reports of numerous charges against prostitutes illustrate this point. Sarah Brown of Gravesend for example, met a young labourer called George Beaumont who was a stranger to the town, and they went to a public house together where they stayed drinking for two or three hours. Beaumont went home with Sarah and on entering her bedroom he paid her. Shortly afterwards, Sarah took his watch and chain, and disappeared from the house. She had therefore not only stolen his property but also taken money under false pretences for services not rendered. The three-month sentence imposed on Sarah for this offence appears not to

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<sup>233</sup> CKS Sheerness Police Court Register, 23 May 1876.

<sup>234</sup> *Dover Express and East Kent Intelligencer*, 7 March 1863.

<sup>235</sup> *Gravesend and Dartford Reporter*, 23 December 1865; *Sheerness Guardian*, 20 January 1866.

have deterred her from repeating this lucrative practice. Within weeks of her release she spent an evening with soldier Patrick Connellan, who became so drunk that the Police Superintendent had to send for the picket to get him back to the barracks. Once there, he missed seven pounds from his purse but on this occasion his recollection of what had happened was so dim that there was insufficient evidence to convict Sarah and she was discharged.<sup>236</sup> It is interesting to note that in these and other theft cases, magistrates appear to have required the same weight of evidence when the prisoner was a prostitute as for other offenders, and that cases were dismissed when such evidence was inadequate.

### **Violence**

Physical violence was an occupational hazard for the street prostitute, and women who earned money in this way faced the constant risk of physical assault both at the hands of men (who might reasonably presumed to be clients or would-be clients), and also from one another. Many prostitutes' apparently opportunistic attitude towards theft from, and the deception of clients or would-be clients put them at additional risk. Local press reportage of Petty Sessions in the subjected districts of Kent, which is filled with cases of assault inflicted on prostitutes, strongly supports Harsin's observation that 'violence was routine, and its role in the life of the prostitute needs to be emphasised.'<sup>237</sup> Press reporters' descriptions of the injuries sustained during these assaults and fights are graphic and sensationalist, but can be presumed to be basically accurate and reflective of the severity of the attacks. Chatham prostitute Maria Gates, for example, was assaulted by William Maine, a marine who 'was in the habit of visiting her'. He struck

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<sup>236</sup> *Gravesend and Dartford Reporter*, 4 September 1858, 5 February 1859.

<sup>237</sup> Harsin, *Policing Prostitution*, p. 168.

her in the eye, which remained blackened for some time afterwards, and she said, used other threats against her.<sup>238</sup> Gravesend prostitute Isabella Stewart appeared before magistrates twice within eight months first as the victim and then as the perpetrator of violent attacks. On the first occasion she had been assaulted by a man called Edward Brown in the Privateer public house, though we are given no further detail. Isabella was described as having 'a most desperate black eye besides scratches on her face, her lips cut, and various other marks...' The following year Isabella, 'a strong looking woman', returned to court accused of an assault on a neighbour, Caroline Morris who is not described as a prostitute. The assault happened after Morris had 'remonstrated' with Isabella for 'laughing and drinking' with the man she lived with, whom she described as her 'keeper'. The victim on this occasion was described as having 'both eyes black, evidently from heavy blows, a bite mark on her cheek and lips black'. This episode earned Isabella a fine of twenty shillings plus nine shillings and sixpence costs, which might reasonably be supposed she could not pay, and that the three weeks' custodial sentenced was served instead.<sup>239</sup>

When Dover Police Constables Clark and Terry went to investigate the report of a street disturbance they discovered two soldiers with belts in their hands 'greatly ill-using an unfortunate woman who was in their company'.<sup>240</sup> A particularly violent attack on Chatham prostitute Ann Kelly was considered sufficiently serious to be referred by the magistrates to the assizes. Kelly, who was thirty-nine, had been 'getting a living on the streets' for twelve or thirteen years before the attack. She and her child lived in one room at the rear of the Bell Public House. On the night in question, when her child was being minded by a neighbour, she returned to her room to find two soldiers already there. She told the court that when she asked them what they wanted,

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<sup>238</sup> *Chatham News*, 23 November, 1867.

<sup>239</sup> *Gravesend and Dartford Reporter*, 3 July 1858, 12 March 1859.

they said that she would soon see and threatened to kill her, putting a hand over her mouth to prevent her from screaming. The *Chatham News* deemed the details of the attack as described in court unfit for publication, and described the incident in its report as a rape rather than an assault.<sup>241</sup>

In 1857 Maidstone was, according to the press, ‘thrown into a state of agitation’ by news of the murder of prostitute Elizabeth Jones, who died as the result of an assault by a bargeman named Charles Chumley who had beaten her on the back of the head with a broom handle. Jones and her sister Margaret had accompanied Chumley and another man on to a barge, but a quarrel had developed at the end of the evening, as a result of which both women were badly beaten. Margaret was found wandering by police in the early hours of the morning with her face covered with blood, and took them to the barge where Elizabeth was found partially conscious. She died four days later.<sup>242</sup>

Prostitutes were as much at risk from assault from one another as they were from men, and numerous cases were brought before the magistrates of violence perpetrated by one prostitute on another. Fights over territory or supposed ‘slights’ appear to have been common. Mary Taylor and Maria Mallowby of Gravesend for example were arrested having been found fighting in the street outside the King’s Head public house. Mallowby told the bench that Taylor had started the fight because ‘she was offended that some man had treated her’ (Mallowby).<sup>243</sup> Quarrels often started with name-calling and bad language and escalated into physical fights such as that between Mary Ann Simpson and Alice Linton in which Mary Ann’s silk jacket got torn, and that between Matilda Goodhew and Emma Goldsmith near the Black Horse in Prince’s Street,

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<sup>240</sup> *Dover Express and East Kent Intelligence*, 25 January 1862.

<sup>241</sup> *Chatham News*, 27 February 1864.

<sup>242</sup> *Gravesend and Dartford Reporter*, 18 April 1857.

<sup>243</sup> *Ibid.*, 29 January 1859.

Gravesend, in which Matilda's bonnet was torn and her face scratched.<sup>244</sup> Elizabeth Brown, Ann Horgan and Ann Hickey of Chatham were all arrested having been found drunk and riotous in the Military Road. Brown and Horgan were 'stripped for fighting', whilst Hickey was holding their clothes, and urging them on. They were sentenced to twenty-one days, fourteen days and seven days with hard labour, respectively.<sup>245</sup>

One criticism that has been made of the CD Acts by historians is that they served to publicly identify prostitutes who were otherwise able to be assimilated into, and live anonymously within working class neighbourhoods, thus condemning them to a status of permanent exclusion from their immediate community.<sup>246</sup> It is therefore interesting to note that prostitutes in the Kentish subjected districts appear to have been conspicuously willing to pursue prosecutions through the magistrates' court themselves, suggesting that maybe an appearance at a public court hearing in front of the local press during which their occupation was invariably mentioned was less daunting to them as has been assumed. This observation is supported by the observations of Zedner and Emsley about the strategies developed by the poor to access the policing and criminal justice systems for their own ends.<sup>247</sup>

Hetty Nash of Sheerness for example, prosecuted Patrick Devlin, a seaman with the Royal Navy with stealing five pawn tickets and a locket from her, in a case that was dismissed on grounds of insufficient evidence. Charles Currigan, a soldier in the RA was likewise charged by Mary Ann O'Bryan with stealing four shillings and a penny ha'penny, a knife and a handkerchief from her and was convicted. In both cases, the women were named in court as prostitutes.<sup>248</sup> It could be argued, of course, that in the

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<sup>244</sup> Ibid., 23 June 1866, 28 June 1868.

<sup>245</sup> *Chatham News*, 8 March 1862.

<sup>246</sup> See for example Walkowitz, *Prostitution and Victorian Society*, p. 204; Weeks, *Sex, Politics and Society*, p. 90.

<sup>247</sup> See for example Zedner, *Women, Crime and Custody*, p. 170; Emsley, *English Police*, pp. 56-57.

<sup>248</sup> CKS Sheerness Police Court Register, 7 October 1878, 28 January 1879.

forgoing examples where property was at stake the women had little option but to press charges and risk public identification since they could ill afford to do otherwise. There are numerous cases however, where no property was involved. Examples include the altercation between Louisa Collins and Mary Ann Loft at the India Arms, which resulted in Louisa being summoned for an assault. The case, we are told 'introduced to the court several members of the frail sisterhood who variously stated the facts of the quarrel'.<sup>249</sup> In a similar case Sarah Nightingale was summoned for assaulting Mary Ann Hoffner in the White Hart. Mary Ann told the court that the defendant and some other prostitutes abused her and assaulted her by spitting in her face.<sup>250</sup> Sarah Nightingale in turn summoned Sarah Darge for an assault some months later.<sup>251</sup> When a fight broke out between Elizabeth Court and Jane Beeston at the Russell Arms after Jane and a friend, Harriet Crossthwaite, went there for a glass of brandy and water the result was torn clothes.<sup>252</sup> As has been seen, quarrels between prostitutes often broke out as a result of name-calling and the exchange of insults. When Sarah Curtis brought a charge against Mary Dear for using insulting and abusive language to her, Mary brought a cross-summons and the case was dismissed.<sup>253</sup> Ann Inkpen charged Mary Ann Penman with using abusive language to her, the 'principal epithet being that she and her companion were 'soldiers' trolls'. The complainant's evidence 'was supported by two other girls of similar character'.<sup>254</sup> The witnesses in these cases, as well as the prosecutors clearly appear to have been willing to be named and identified in public, in the pursuance of their quarrels. This observation supports the findings of Jennifer Davis, whose research in London has shown that members of the casual poor

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<sup>249</sup> *Gravesend and Dartford Reporter*, 19 August 1871.

<sup>250</sup> *Ibid.*, 15 April 1865.

<sup>251</sup> *Gravesend and Dartford Reporter*, 19 August 1871, 22 March, 23 August 1873.

<sup>252</sup> *Ibid.*, 15 April 1865.

<sup>253</sup> *Ibid.*, 9 December 1865.

<sup>254</sup> *Ibid.*, 15 July 1865.

predominated in making assault charges.<sup>255</sup> In this light, the allegation that the Contagious Diseases legislation was punitive because it publicly identified working prostitutes appears not to be sustained.

## Conclusion

In a number of significant respects the evidence relating to lower class prostitution in the ports and garrisons of Kent substantiates previous historians' findings from elsewhere in the country. The prostitutes identified here came predominantly from working class and casual labouring poor backgrounds and took to prostitution in response to a combination of factors. These include the chronic economic conditions created or exacerbated by industrial capitalism and the opportunities of demand provided by garrisons and naval dockyards. They often descended further into poverty during their own lifetimes as a result of sudden changes in family circumstances and poor occupational opportunities. They were exposed to chronic privation caused by an economic system that failed to provide sufficient adequately paid employment, particularly for women, together with the lack of any social welfare system to meet the needs of the persistently underemployed. Thereafter they followed a mixed strategy of survival that did not in itself offer a complete escape from poverty and privation. The prostitutes identified by this study operated at the lower end of the market, plying for trade in the street and in public houses. Cramped and squalid living conditions, drunkenness, poverty, disease and violence appear to have been everyday facts of life. Thus far, the findings of this investigation largely corroborate those of Walkowitz in

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<sup>255</sup> Jennifer Davis, 'A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century', *The Historical Journal*, 27 (1984), 309-335, (p. 321).

relation to Devonport and Southampton, Finnegan in relation to York and Luddy in relation to Ireland.

The results of this study do, however, suggest a much greater degree of variation and heterogeneity in prostitutes' circumstances than either of the long-established 'prostitution as transitory phase' or the 'prostitution as downward path' stereotypes have allowed for. It is clear that not all Kentish prostitutes conformed to a single model but encompassed the full range of archetypes recognisable from the contemporary literature, and which were discussed in the previous chapter. In terms of age, total length of time spent on the street and ultimate personal outcomes, the prostitutes identified by this investigation represent the complete spectrum of circumstances.

Furthermore, these findings pose a challenge to simplistic 'victimisation' models of prostitution. Whilst these women were undoubtedly the victims of socio-economic circumstances and of official policy, many appear to have demonstrated a degree of independence and autonomy. They were agents in their own history, as demonstrated by the pursuit of individual survival strategies, and by decisions made about their own life-course albeit that this was from a limited set of alternatives.

The evidence relating to heterogeneity, agency and personal outcomes that has been uncovered by this investigation has significant implications for the discussion of prostitutes' experience of and responses to the CD Acts, to which this study will turn in Chapter 5. Additionally, the findings relating to the backgrounds, personal circumstances and working practices of Kent's street prostitutes provide a framework against which the themes of regulation and control, which form the primary focus of this thesis, can be developed. It is to the regulatory regimes that were brought to bear on Kentish prostitutes exclusive of the CD legislation that this discussion now turns.

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### 3: Policing and Prostitution in Kent

It is a matter of some orthodoxy amongst scholars of the CD Acts that street prostitution was not strictly policed prior to the passing of the first Act in 1864. According to this interpretation the CD legislation represented the first serious attempt at the regulation of prostitution. Walkowitz is amongst those who argue that 'the constable's formal control over streetwalkers was limited' and that there was a 'policy of inaction and toleration' towards prostitution.<sup>1</sup> Sigsorth and Wyke concur, stating that 'the widespread tolerance of prostitution was reflected in the absence of any serious legislative attack on the problem until the 1860s, with the passing of the Contagious Diseases Acts.'<sup>2</sup>

The policing regime introduced under the CD Acts, according to this interpretation, had an exceptionally repressive impact on working prostitutes precisely because it contrasted so markedly with the laxity that had gone before. Graphic descriptions of the notorious and controversial policing of the acts dominate the historiography, describing how squads of specially selected Metropolitan Police Force officers were seconded from London to identify and register suspected prostitutes, to oversee the enforcement of their mandatory physical examination and to prosecute through the courts those women who resisted the process.<sup>3</sup> It is argued

<sup>1</sup> Walkowitz, *Prostitution and Victorian Society*, pp. 14, 42.

<sup>2</sup> Sigsorth and Wyke, 'A Study of Victorian Prostitution', p. 87.

<sup>3</sup> See for example, Sigsorth and Wyke, 'A Study of Victorian Prostitution', p.95; Elizabeth Malcolm, 'Troops of Largely Diseased Women: VD, The Contagious Diseases Acts and Moral Policing in Late Nineteenth-Century Ireland', *Irish Economic and Social History*, 26 (1999), 1-14; Russell P. Dobash, R. Emmerson Dobash and Sue Gutteridge, *The Imprisonment of Women*, (Oxford: Basil Blackwell, 1996), p. 94.

that these police officers abused their powers and that the impact both on working prostitutes and other working class women alike was unprecedented in its brutality.<sup>4</sup>

By contrast, as suggested by Sigsworth and Wyke, the policy of local police forces towards streetwalkers, where it is mentioned at all, is described as generally laissez-faire and tolerant.

Historians of policing, by contrast, have argued that the regulation of street prostitution was carried out progressively strictly in the years following the introduction of the 'new' police in line with raised notions and expectations of public decency and as part of the wider regulation of the casual poor. The previously tolerated public behaviours of this group, which also included beggars, vagrants and drunks, began to be redefined as unacceptable from the early part of the century onwards in line with new notions of respectability, and were controlled increasingly rigorously in line with raised expectations of public order.<sup>5</sup> This approach locates the policing of street prostitution within a much wider narrative of urban control and the regulation of the day-to-day activities of the poor and working classes in the name of public respectability.

It is imperative therefore that the regulatory regime prior to the CD Acts should be examined with reference to the history of policing. Literature in this field has charted the contest for public space that took place following the reform of regional policing in the second quarter of the nineteenth century onwards, and the accompanying 'extension into hitherto geographically peripheral areas of both the

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<sup>4</sup> Walkowitz, *Prostitution and Victorian Society*, p.154; Richard Davenport-Hines, *Sex, Death and Punishment: Attitudes to Sex and Sexuality in Britain since the Renaissance* (London: Collins, 1990), p. 168.

<sup>5</sup> Emsley, *English Police*, p. 16.

moral and political authority of the state.<sup>6</sup> Sexual morality was fundamental to this notion of middle-class respectability. Elizabeth Wilson for example, has pointed to the inextricable link between nineteenth-century campaigns to curb what was seen as the unsuitable enjoyments of the lower classes and attempts to 'domesticate disruptive sexuality'.<sup>7</sup> Carolyn Conley argues along similar lines that 'Prostitutes were subject to police harassment and judicial censure' in spite of the fact that prostitution was not, in itself, against the law.<sup>8</sup> Likewise, Clive Emsley has noted that 'The new level of decorum on the streets meant police action against prostitutes'.<sup>9</sup> Thus historians of the police do not generally subscribe to the thesis of a policy of inaction towards street prostitution in the years before the CD Acts. Where there was tolerance of prostitution, as Emsley observes, it was more likely to apply at the more discreet, less visible upper-class end of the market rather than to the streetwalkers and the habitués of 'the less salubrious houses of ill-fame' who have been identified by, and are the subjects of this study.<sup>10</sup>

The routine, local policing of prostitution was carried out under different legislation and by different police forces from the policing procedures introduced under the CD Acts, which operated under an entirely separate mechanism. What was different about the CD Acts, as Lynda Nead has observed, was not that they were necessarily policed more robustly or repressively than other legislation but that they redefined prostitution as a matter of contagion and disease rather than of public

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<sup>6</sup> Robert D. Storch, 'The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57', *International Review of Social History*, 20 (1975), 61-90, (p. 61).

<sup>7</sup> Wilson, *Sphinx in the City*, p. 38.

<sup>8</sup> Carolyn Conley, *Crime and Community in Victorian Kent* (Duke University USA, PhD Thesis, 1984), p. 286.

<sup>9</sup> Emsley, *English Police*, p. 77.

<sup>10</sup> Clive Emsley, *Crime and Society in England 1750-1900* (Harlow: Longman, 1996), pp. 72, 154.

order.<sup>11</sup> At street level however, this conceptual redefinition and the legal nuances involved clearly made little difference to the women directly affected. Cases were heard at the same local courts in front of the same local magistrates, and custodial sentences served at the same county gaol under the same punishment regime whether for offences against public order or for offences relating to the CD Acts.

## Regulating Prostitution

Prostitution itself was not illegal. However, soliciting and running houses of ill-fame were.<sup>12</sup> The argument that prostitution was largely tolerated until the mid 1860s following which there was a significant clamp-down is not borne out by government judicial statistics (see Figure 3.1). On the contrary, prostitutes were prosecuted for a wide variety of offences consistently over a twenty-year period, with periodic fluctuations and a notable dip during the first two years following the introduction of the first CD Act in 1864. In 1857, the first year for which national statistics were compiled following the introduction of mandatory nationwide policing and seven years before the first CD Act was introduced to the statute, 21,798 prostitutes were prosecuted. This number represents 28% of the total number of women proceeded against summarily and by indictment. By 1883, the year that the Contagious

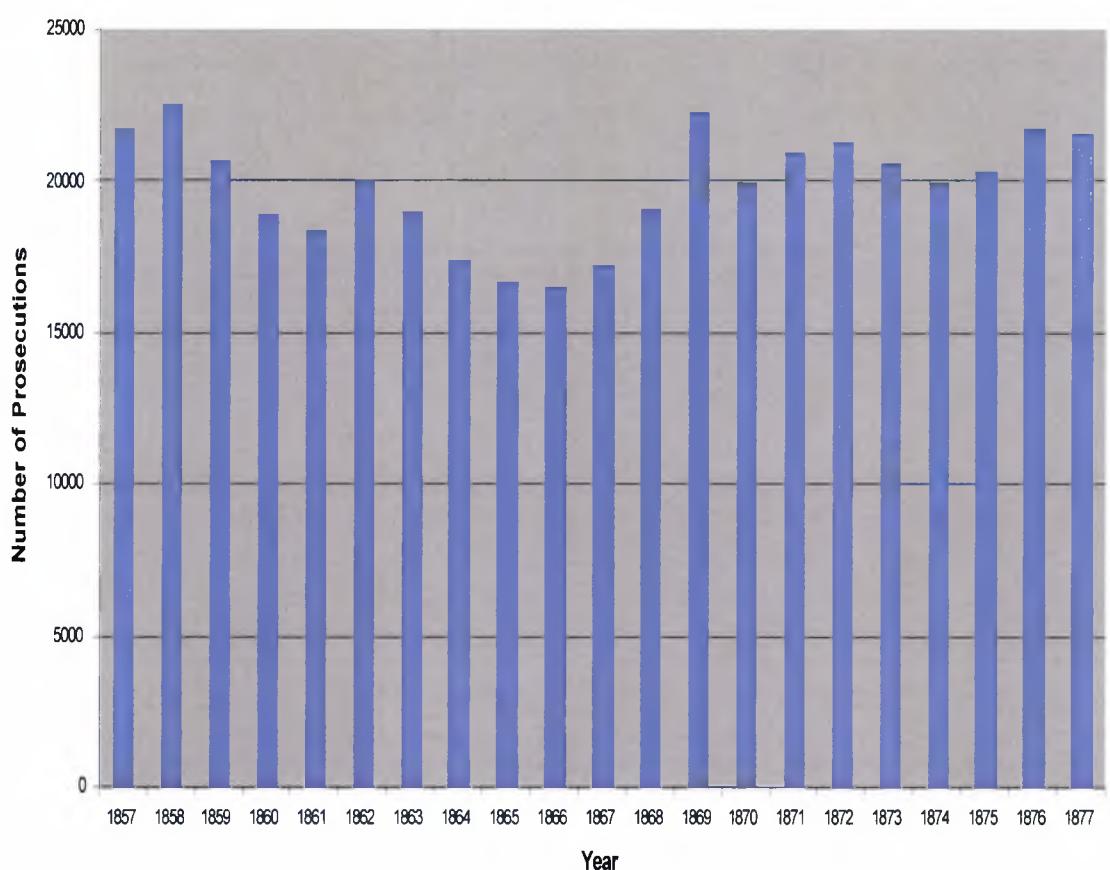
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<sup>11</sup> Nead, *Myths of Sexuality*, p. 115.

<sup>12</sup> An 1898 amendment to the 1824 Vagrancy Act additionally made it illegal to live on the earnings of prostitution.

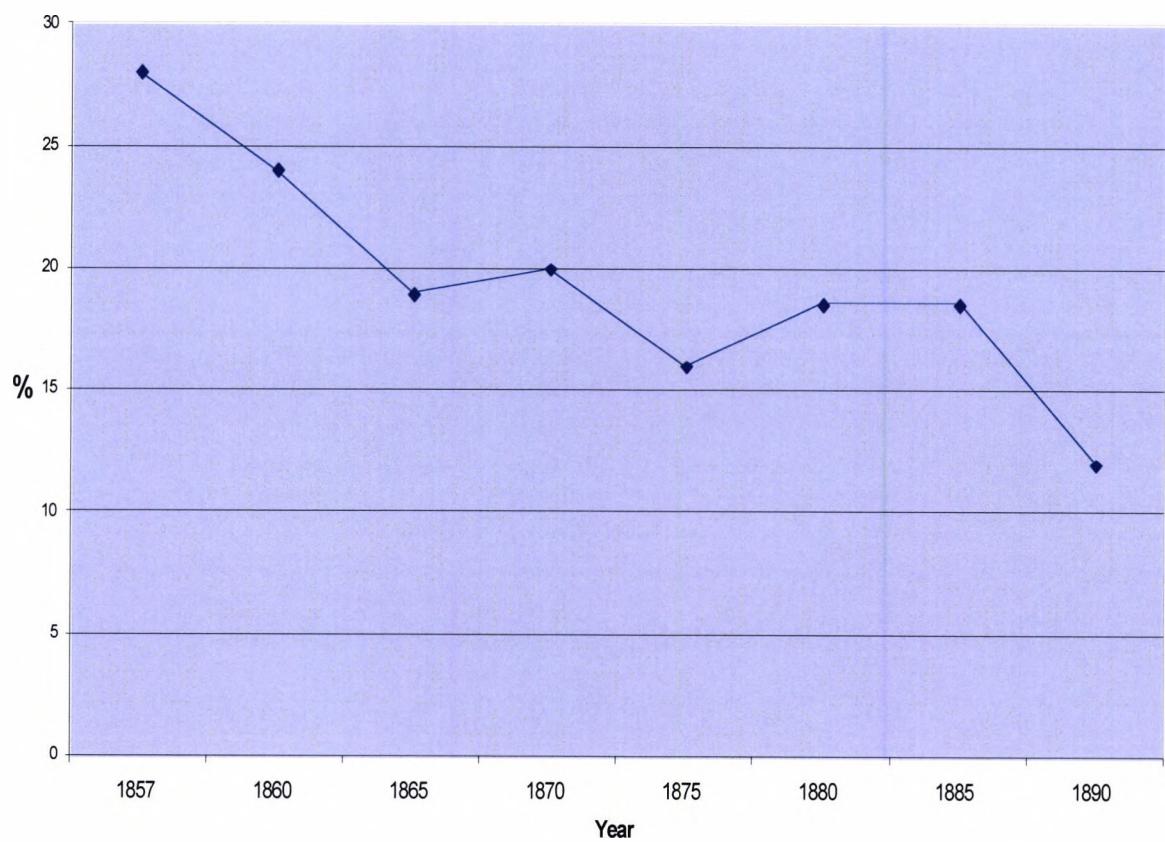
Diseases Acts were suspended, this figure had risen slightly to 24,704, which figure represented 18% of the total number of women proceeded against (Figure 3.2).

**Figure 3.1: Prosecutions of Prostitutes, National Figures**



Source: Parliamentary Papers: Returns of Judicial Statistics 1857 -1877

**Figure 3.2: Prostitutes as Percentage of all Women Proceeded against, Summarily and by Indictment; National Figures**



Source: Lucia Zedner, *Women Crime and Custody in Victorian England*, p. 306

David Jones has attributed the fluctuation in arrest rates of prostitutes to a combination of economic conditions and moral reform activity.<sup>13</sup>

This chapter will demonstrate that the evidence from the port and garrison towns of Kent reflects the general trend of the national picture, and reveals a very much more mixed situation than has hitherto been recognised. Whilst practice varied widely from location to location, in at least some towns far from being tolerated, prostitutes faced regular arrest by local police for a wide range of street disorder offences quite independently of the CD Acts. This happened both before the introduction of the CD legislation and throughout the years when it was on the statute book. The number of summonses by local police, using a range of legislation, was consistently significantly higher than those brought under the CD Acts. Streetwalking and soliciting were controlled in Kent with reference to a combination of both national and local statutory instruments, formulated to regulate behaviour in the streets and public highways. In addition, streetwalkers were liable to arrest on a wide variety of other public order offences, and they often appear to have been liable to harsher penalties than other offenders convicted of committing the same offence.

As David Jones has observed, the charge of 'disorderly behaviour' appears to have served as a useful device to bring prostitutes 'within the arm of the law'.<sup>14</sup> Additionally, licensing laws were used to control prostitution since it was an offence for a licensee to allow prostitutes on the premises for longer than was necessary to take refreshment, a clause designed to prevent licensed premises being used for

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<sup>13</sup> David Jones, *Crime, Protest, Community and Police in Nineteenth Century Britain*, (London: Routledge & Kegan Paul, 1982), p. 130.

<sup>14</sup> Jones, *Crime, Protest, Community*, p.165.

prostitutes' liaisons. John and Fanny Ware, proprietors of the Devonshire Arms public house in Chatham, were amongst the landlords in that town who were able to escape prosecution for using licensed premises as brothels. Many adopted the enterprising practice of constructing what were euphemistically called cottages but often appear to have been no more than huts, at the far ends of their gardens on land that technically lay outside the boundary of their property, and could therefore be argued to be separate from the main premises and thus not subject to the law.<sup>15</sup>

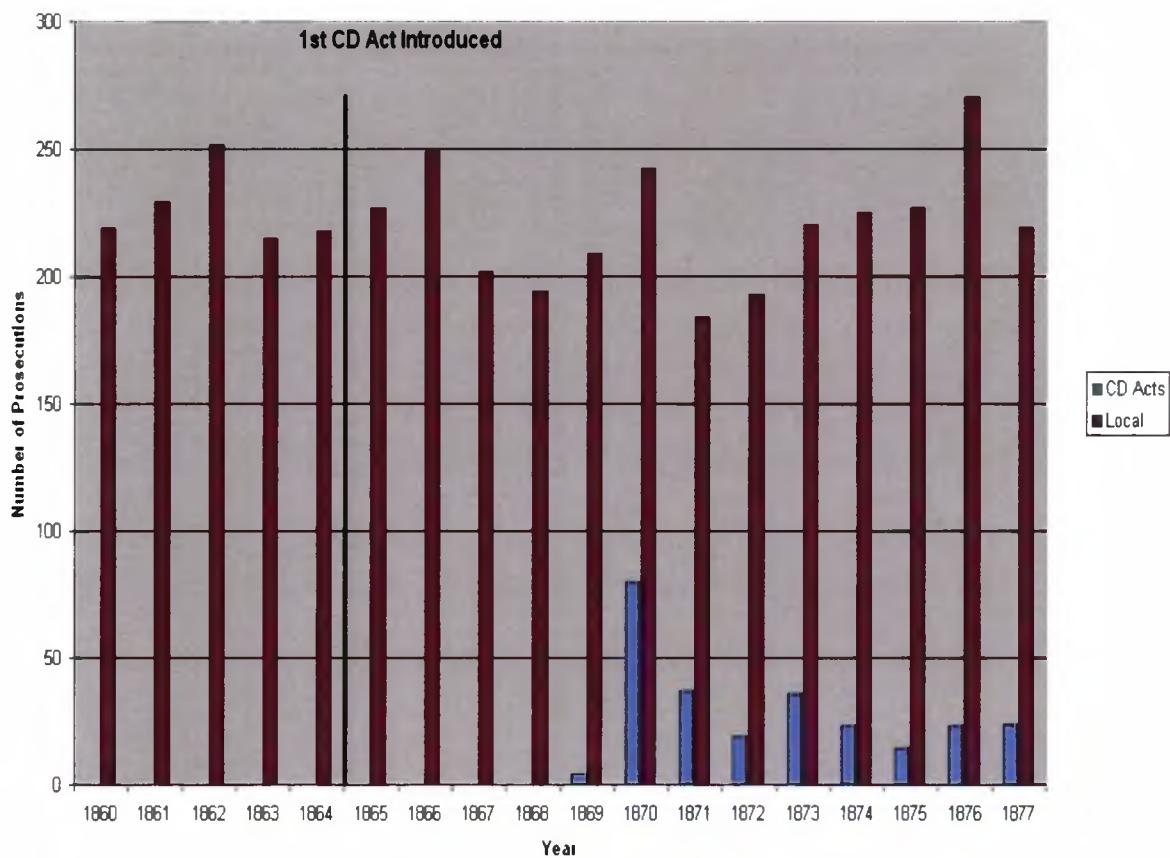
Prosecutions of prostitutes under local policing were consistently higher in all Kentish locations (outside Kentish London) than under the CD Acts (see Figure 3.3).<sup>16</sup> In some places streetwalking and soliciting became progressively more strictly controlled after the establishment of what is often termed the 'new police' (that is, a paid, full-time police force) from the second quarter of the century onwards in line with raised expectations of public order and as police forces became increasingly better equipped to deal efficiently with street nuisance. This process happened quite independently of the CD Acts and was governed by practical considerations such as manpower, the increased professionalism of the 'new' police, local politics and local systems of governance. Moreover in some of the subjected districts of Kent local policing and suppression mechanisms appear to have represented a far more common and far more punitive hazard in the lives of working prostitutes than the apparently haphazard exceptional policing measures of the CD

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<sup>15</sup> Select Committee 1882, p. 154.

<sup>16</sup> Direct comparisons are more difficult for Kentish London because of the way in which the statistics were compiled.

**Figure 3.3: Prosecutions of Prostitutes, Kent: Under CD Acts and under Local Policing**



(Source: Parliamentary Papers: Judicial Statistics & Annual Reports on Operation of CD Acts)  
n.b. these figures do not include Kentish London

Acts. Many women who earned money by prostitution, as this chapter will demonstrate, faced regular and repeated arrest and custodial sentencing in addition to the privations that were outlined in the previous chapter. When balanced against these factors, the relative impact of the CD Acts appears less uniquely and exceptionally repressive than is usually claimed. In order to more fully understand the differing regimes of regulation and control encountered by street prostitutes in the Kentish ports, garrisons and dockyards, this discussion turns firstly to an overview of the development of policing in the county.

## Policing in Kent

What has been interpreted as a 'tolerance of prostitution' in the years before 1864 is arguably a consequence of the fragmented transformation of policing theory and practice that took place from the second quarter of the nineteenth century onwards.<sup>17</sup> The early part of the century witnessed a long and complex process of change by which traditional, part-time, parish-based, reactive policing systems were transformed into mandatory, preventative, professionalized and recognizably modern police forces. The remit of the 'new' police was extended beyond the apprehension of criminals to the regulation of petty misdemeanour and the suppression of minor street disorder. In the regions, the establishment of what have been called 'new institutions to survey, punish and reform the labouring classes' did not take place in a uniform fashion, and there was a considerable variation from place to place as to the timing and comprehensiveness of the shift.<sup>18</sup> As Taylor has observed in relation to Middlesbrough, the creation of a policed society and of an

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<sup>17</sup> Weeks, *Sex, Politics and Society*: p.84.

<sup>18</sup> Dobash, Dobash and Gutteridge, *Imprisonment of Women*, p. 35.

effective body of men took several years.<sup>19</sup> This process, it will be argued, had a direct bearing on the differing level of efficiency with which prostitution and other street disorder was controlled at local level, and explains the wide variations from place to place. It also helps account for situations that have been interpreted as signs of tolerance of streetwalking and of public prostitution.

The 'flurry of police legislation' by which institutionalised and professional full-time police forces were created across the country has been well documented by historians and therefore does not need detailed repetition here.<sup>20</sup> For the purposes of the present discussion it is however noteworthy that the drive for local accountability provides unifying themes to these accounts, specifically in relation to Kent.<sup>21</sup> Kentish magistrates strenuously and consistently resisted all attempts at centralization and control from London, and rejected all proposed legislation that threatened the autonomy of the judicial Petty Sessional Division. Five measures presented to Parliament between 1839 and 1856 proposing police reform that preserved the county magistrate's control over the parish constable all originated in Kent.<sup>22</sup>

At the time of the enactment of the first CD Act in 1864, Kent's policing was still carried out under a patchwork of parallel models. Of the ten Kentish districts destined to be made subject to the CD Acts, Greenwich and Woolwich, being part of Kentish London were policed by the R division of the Metropolitan Police. Gravesend, Dover, Deal, Canterbury and Maidstone were incorporated boroughs

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<sup>19</sup> Taylor, *Victorian Town*, p. 1, 12.

<sup>20</sup> Taylor, *Crime, Policing and Punishment*, p. 71; See for example Carolyn Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856- 80* (London: Routledge & Kegan Paul, 1984), Emsley, *English Police*.

<sup>21</sup> For instance, the Corporation of Gravesend presented a petition to the House of Commons in February 1854 requesting that the members for the west division of the county attend to oppose the second reading of the Police Consolidation Bill, which proposed greater centralization. The Bill was defeated.

<sup>22</sup> See Steedman, *Policing the Victorian Community*, p. 19.

with their own police forces; Maidstone, being the county town, housed the headquarters of the County Constabulary after it was established in 1857 in addition to having its own borough force. The civilian populations of Chatham and Sheerness were policed by divisions of the Kent County Constabulary, whilst their military dockyards were policed by the Metropolitan Police Dockyard Division, established in 1860. The situation in Chatham was further complicated by the fact that the geographical area made subject to the CD Acts included the adjacent city of Rochester, which had its own borough police force. Shorncliffe Military Camp was policed by a special division of the County Constabulary, with extra officers supplied from the Metropolitan Police at central government expense.

This lack of uniformity impacted on the efficiency and consistency with which local police forces were able to regulate public order. Borough police forces, introduced under the Municipal Corporations Act of 1835, were answerable via the head constable to the Watch Committee of the Town Council, the 'most prestigious of all a corporation's sub-committees', the membership of which comprised town councillors elected by local ratepayers.<sup>23</sup> The Watch Committee was often chaired by the mayor, often met once a week and usually comprised several other magistrates. Whilst the Municipal Corporations Act sought to separate the executive arm of town administration (the town council) from its judicial arm, in practice, Emsley has observed, town councillors continued to be selected as borough magistrates throughout the nineteenth century.<sup>24</sup> Borough forces were therefore models of immediate, local accountability and thus in any borough, the same relatively small group of people was responsible for directing the police force and

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<sup>23</sup> Steedman, *Policing the Victorian Community*, pp. 42-43.

<sup>24</sup> Emsley, *Crime and Society*, p. 14.

administering justice. This had a significant influence on policy with regard to issues such as the preservation of the peace and maintenance of public order, creating what has been described as a 'closed circuit of detection and punishment'.<sup>25</sup> This immediate line of influence between ratepayers and the police helped, Carolyn Steedman has observed, 'define social relations and built a sense of community'.<sup>26</sup> Whilst the borough head constables could make recommendations regarding operational and personnel matters, all decisions, even the most basic, had to be ratified by the committee.<sup>27</sup>

Following the Municipal Corporations Act, outside of the boroughs rural Kent continued for another twenty years to be policed by an improved version of the old system of largely unpaid and part-time parish constables. Finally in 1856, the County and Borough Police Act legislated for a mandatory county constabulary. The Kent County Constabulary was established in 1857 and comprised twelve divisions directly answerable to a chief constable Captain Ruxton, who was responsible to the Kentish justices in quarter sessions.<sup>28</sup> Ruxton's role as chief constable of a county force allowed for more operational discretion than his borough counterparts and meant that he had more say in all manpower issues. Thus there was no equivalent immediate, local accountability in areas policed by the county force as there was in the boroughs. A comparison between the policing regimes in two Kentish towns, one policed by a Borough force and one by a division of the county force demonstrates the variation in the robustness with which street disorder

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<sup>25</sup> Steedman, *Policing the Victorian Community*, p. 44.

<sup>26</sup> *Ibid.*, p. 44.

<sup>27</sup> In Dover in 1862 for example, the Head Constable had to apply to the Watch Committee to approve the expenditure to have the Police Station clock wound up. South East Kent Archive Centre Dover Petty Sessions Court Register (Do/JPr 01- 02) (hereafter SEK Dover Petty Sessions), 26 November 1867.

<sup>28</sup> Roy Ingleton, *Policing Kent 1800-2000: Guarding the Garden of England* (Chichester: Phillimore, 2002), p. 28.

was controlled in the years following the introduction of professional police forces. Gravesend and Chatham provide a good comparison.

The Gravesend Borough Police Force was established in 1836 in prompt response to the Municipal Corporations Act. By 1870 it had grown to a total strength of twenty-six officers comprising a head constable, three sergeants, a detective officer, and twenty-one constables, at which time they policed a population of twenty-four thousand. Thus, at a ratio of 1:818 the police strength in Gravesend bettered the 'contemporary benchmark figure' of one officer per 1,000 population by 1870.<sup>29</sup> In its early days, the force had experienced the same problems of indiscipline and high turnover of manpower seen elsewhere. Prior to the 1850s for example, resignations and dismissals for offences such as being found on licensed premises, being missing from the beat or being found asleep on duty were common. One constable committed sixteen such disciplinary offences and was fined a total of fifty-six shillings during three years' service. Another officer was demoted after 'questionable conduct' with a prostitute at the Maidstone Assizes.<sup>30</sup> However, as the force became more organised, expectations were raised and in 1850 the decision was taken to replace the head constable. The new appointment, Superintendent Frederick White was a professional policeman with eleven years experience with the City of London force. He was to remain in Gravesend for twenty-two years until his sudden death in service in 1873. On his arrival, White set about improving efficiency and discipline, revising the system of beats and drawing up printed instructions for officers.<sup>31</sup> The surviving rulebook was based on a general and

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<sup>29</sup> Taylor, *Victorian Town*, p. 38.

<sup>30</sup> Phillips, M.J., *The Development of the Police Force in Gravesend 1816-1866*, (unpublished Thesis, Gravesend Library, 1963), p. 32.

<sup>31</sup> *Rules, Regulations and Directions for the Instruction and Guidance of the Police Force of the Borough of Gravesend* (Gravesend: Caddel & Son King Street, 1851).

formulaic pattern, and confirms that there was an expectation that street nuisance should be strictly controlled.<sup>32</sup> Superintendent White attended all Petty Sessions hearings in person to provide the bench with supplementary information (for example regarding previous convictions), where necessary. Gravesend was one of only two borough forces in Kent to pass the mandatory central government inspection introduced under the County and Borough Police Act of 1856 at the first attempt, and the efficiency of the police force may help explain why street nuisance and street prostitution in particular appear to have been energetically policed and controlled in Gravesend from the 1850s onwards.

Local accountability is reflected in the willingness of ratepayers and opinion formers to criticise policing methods where necessary, either by way of a direct complaint to the Watch Committee or a public complaint through the vehicle of the local newspaper. A local shopkeeper who felt that 'the order and comfort of the town' were not being treated as sufficiently high priority by the police made use of the columns of the newspaper to set out his case.<sup>33</sup> Likewise, when three churches in the town had been broken into within a fortnight in 1869, the *Gravesend and Dartford Reporter* ran an editorial criticising the Watch Committee for 'ridiculous red-tapism', and explicitly commenting on operational procedure.<sup>34</sup> On other occasions complaints were made directly by the public to the police, such as the reports about prostitutes soliciting in Somerset Street, as a result of which a sergeant was placed there in plain clothes and subsequent arrests made.<sup>35</sup>

In contrast, Chatham was policed by a division of the Kent County Constabulary. This arrangement allowed for less efficient policing of street disorder

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<sup>32</sup> For example, the equivalent rulebook for Maidstone is very similar.

<sup>33</sup> *Gravesend and Milton Journal*, 6 September 1834.

<sup>34</sup> *Gravesend and Dartford Reporter*, 13 February 1869.

<sup>35</sup> *Ibid.*, 7 March 1857.

for a number of reasons. Firstly it provided less than half of the policing manpower per head of population compared with the neighbouring borough of Gravesend, one officer per 2,175 compared with Gravesend's one per 818.<sup>36</sup> Police Superintendent Everist of the Kent County Constabulary told magistrates that the police manpower allocated to Chatham was not large and therefore could not 'contend with the 27,000 inhabitants out of which number about 2,000 were in the streets at a late hour on Saturday nights'.<sup>37</sup> In addition to manpower inequalities, Chatham's policing was negatively affected by fundamental operational differences between urban and rural policing models.<sup>38</sup> In towns, population density relative to policing manpower dictated preventative policing strategies, whereby officers' physical presence on the street constituted an effective deterrent against potential crime and street disorder. In rural areas where population was spread over a much wider geographical area this approach was clearly not appropriate nor financially viable, and rural constabularies therefore put more emphasis on detection. Urban areas like Chatham that were policed by a rural county constabulary were therefore put at a distinct disadvantage with regard to specifically urban problems such as the policing of street order.

Jennifer Hart has further noted that because rural police forces were organized on a parish basis many areas, particularly unincorporated and rapidly growing industrial towns experienced problems with the police's inability to keep order.<sup>39</sup> Whilst there is no break-down for Chatham prosecution figures, government statistics reveal that the Kent County Constabulary prosecuted little more than twice the number of prostitutes in their jurisdiction in the period 1860 to

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<sup>36</sup> Calculated from figures of 26,100 population (1871 census) and 12 officers quoted in Joyce, *Chatham Scandal*, p. 6.

<sup>37</sup> *Chatham News*, 24 March 1866.

<sup>38</sup> As discussed in Steedman, *Policing the Victorian Community*, p. 17.

<sup>39</sup> Jennifer Hart, 'Reform of the Borough Police, 1835-56', *English Historical Review*, 70, (1955) pp. 411-427, (p. 425).

1877 than the borough police force in Gravesend alone, supporting Supt. Everist's evidence quoted above, that manpower shortages prevented efficient policing in Chatham.<sup>40</sup>

Not surprisingly this situation met with a good deal of dissatisfaction amongst the inhabitants and the *Chatham News* was amongst those voices calling for improved policing provision. In 1861 a member of the military wrote to the *Chatham News* complaining that it was not possible for an officer in uniform to walk down 'one of the principal roads in Chatham garrison, at twelve o'clock in the middle of the day, without being yelled at and bawled after by three or four drunken prostitutes'.<sup>41</sup> However in spite of these strong feelings, local residents were unwilling to pay the additional rates that would be required to provide for a more efficient police presence. In the early 1860s residents of Chatham paid about two pence in the pound for policing, compared with seven pence in Gravesend.<sup>42</sup> As local historian Brian Joyce observes: 'when faced with the choice of paying for more police or tolerating an increasing amount of disorder, the authorities, despite their frequently voiced concerns, chose the latter. Chatham continued to be under policed.'<sup>43</sup> Between 1859 and 1885 Captain Ruxton met with Chatham officials on numerous occasions to discuss the town's policing needs and the apparent lawlessness on the streets. It was only after more than twenty years, following numerous riots and the public humiliation of Chatham's reputation for lawlessness

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<sup>40</sup> Returns of Judicial Statistics of England and Wales, *PP* 1857-58 (2407) LVII; *PP* 1859 (2508) XXVI; *PP* 1860 (2692) LXIV; *PP* 1861 (2860) LX; *PP* 1862 (3025) LVI; *PP* 1863 (3181) LXV; *PP* 1864 (3370) LVII; *PP* 1865 (3534) LII; *PP* 1866 (3726) LXVIII; *PP* 1867 (3919) LXVI; *PP* 1867-68 (4062) LXVII; *PP* 1868-69 (4196) LVIII; *PP* 1870 (c.195) LXIII; *PP* 1871 (c.442) LXIV; *PP* 1872 (c.600) LXV; *PP* 1873 (c.871) LXX; *PP* 1874 (c.1055) LXXI; *PP* 1875 (c.1315) LXXXI; *PP* 1876 (c.1595) LXXIX; *PP* 1877 (c.1871) LXXXVI; *PP* 1878 (c.2154) LXXIX; *PP* 1878-79 (c.2418) LXXVI; *PP* 1880 (c.2726) LXXVII; *PP* 1881 (c.3088) XCV; *PP* 1882 (c.3333) LXXV (hereafter Judicial Statistics).

<sup>41</sup> *Chatham News*, 6 April 1861.

<sup>42</sup> *Gravesend and Dartford Reporter*, 11 February 1865.

<sup>43</sup> Joyce, *Chatham Scandal*, p. 238.

being mentioned in the column's of *The Times*, ('In the town of Chatham...the streets offer temptation unsurpassed in all the squalid loathsomeness of vice') that Ruxton finally capitulated and provided the extra manpower required from county resources at no additional cost to Chatham's ratepayers.<sup>44</sup>

In summary therefore, policing provision was a significant factor in any town's ability to maintain order on the streets. The process by which local police forces were made more effective and professional was a lengthy one, and some forces were better placed than others effectively to enforce public order at an earlier date. Thus there was a variation from town to town in the efficiency with which street prostitution was policed. Local policing was not the single determinant factor in the successful regulation of street disorder however. The inclination and sentencing policy decisions of local magistrates, together with differing systems of local governance also influenced the rigorousness with which street prostitution was regulated and controlled.

## The Judiciary

Traditionally, county and borough Justices of the Peace were unpaid and untrained members of the local establishment, predominantly from the landed gentry. The Municipal Corporations Act of 1835 gave elected municipal councils an influence over the appointment of borough magistrates, which as Conley has remarked, 'allowed the *nouveaux riches* to slip in as well'.<sup>45</sup> The borough benches, whilst still composed of the most prominent citizens, were drawn from a different class from those in the counties and were more representative of the population as a whole,

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<sup>44</sup> *The Times*, April 1885, quoted in Joyce, *Chatham Scandal*, p. 239.

according to Sir Thomas Skyrme.<sup>46</sup> In addition, the wide variety of borough magistrates' other duties and responsibilities such as the appointment of parish officers, the ex-officio membership of the poor law guardians, the settlement of local disputes and membership of other committees ensured that they were well-acquainted with life in their local community. When for example a Gravesend man called Henry Lintott was brought before the bench in 1858 on a charge of keeping a ferocious dog, magistrate Robert Oakes took the opportunity to inform his colleagues that the defendant ran his house as a brothel, thus demonstrating a good working knowledge of the inhabitants of the town.<sup>47</sup>

Summary justice was extended over the course of the nineteenth century to enable JPs to deal with an increased workload, after the introduction of a full-time police had led to a greater number of arrests for petty offences. The most economical way of dealing with this increase was to allow JPs to deal with as many cases as possible in Petty Sessions with no jury. A series of measures enacted in 1848 gave greater organisation and formality to the summary courts and more significantly, brought more cases within their remit such that Emsley has referred to the process as 'the extension of cheap and speedy summary justice'.<sup>48</sup> By 1857, the Justices in Petty Sessions were estimated to be handling twenty times the number of cases dealt with by all the other criminal courts combined.<sup>49</sup>

The system of stipendiary magistrates, established initially for London in 1792, was gradually extended through the rest of country during the nineteenth

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<sup>45</sup> Carolyn A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford: Oxford University Press, 1991), p.17.

<sup>46</sup> Sir Thomas Skyrme, *History of the Justices of the Peace*, vol. 2, 1689-1989 (Chichester: Barry Rose, 1991), p. 171.

<sup>47</sup> *Gravesend and Dartford Reporter*, 16 January 1858.

<sup>48</sup> Summary Jurisdiction Act 1848, (11 & 12 Vict.) CAP. XLIII; An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary Convictions and Orders.

century. Unlike their amateur borough and county counterparts, stipendiary magistrates were qualified barristers of at least seven years' standing, and according to Jennifer Davis, 'wielded more unsupervised power than any other paid functionary of the legal system'.<sup>50</sup> The advantages of the stipendiaries to urbanised areas that were not incorporated boroughs were considerable, since as Emsley has observed, county magistrates, even if they had property in the town, were sometimes reluctant to commit themselves to administering justice in these areas.<sup>51</sup>

In Kent, this had evidently been the case in Chatham and in Sheerness prior to the passing of the Chatham and Sheerness Stipendiary Magistrates Act in 1867. This measure provided for a paid professional magistrate to sit twice weekly at a Police Court in these districts. The new Sheerness magistrate, appointed at a salary of £700 per annum sat for the first time on Tuesday 27 August 1867 and the local newspaper commented 'We hope our Local Authorities will heartily co-operate with the Police powers to make a speedy end of a host of local nuisances and street offences, which have hitherto been let alone as not worth the trouble of seeking the aid of the law in.'<sup>52</sup> Previously, offenders on the Isle of Sheppey had been taken to Petty Sessions hearings on the mainland at Sittingbourne, where seemingly it was felt that magistrates were unaware of the specific problems of street disorder facing Sheerness. In reporting a local drunk and disorderly case for example, the *Sheerness Guardian* had commented; 'The worthy magistrate, who is evidently in entire

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<sup>49</sup> Clive Emsley, *Crime and Society in England 1750-1900* (Harlow: Longman, 1996), pp. 205 - 206.

<sup>50</sup> Jennifer Davis, 'A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century', *Historical Journal*, 27 (1984) 309-335, (p. 311).

<sup>51</sup> Emsley, Clive, *Crime and Society*, p. 203.

<sup>52</sup> *East Kent Advertiser*, 21 September 1867.

ignorance of the increasing prevalence of this sort of nuisance in Sheerness, mildly admonished the prisoner and let him off with paying the costs'.<sup>53</sup>

The new legislation had the added effect in Sheerness that it was made easier and cheaper for residents to prosecute petty offences and removed the necessity for Sheerness witnesses to travel to Petty Sessions on the mainland. Additionally it would appear that mainland Sittingbourne magistrates had previously insisted that prosecutions be made by a member of the public. At the 1865 hearing of the case against prostitute Susan Maddocks for being drunk and causing a disturbance for example, the magistrate told the prosecuting constable that it would be better if complainants attended to corroborate the evidence of the constable. They could not be compelled to attend, but 'if the inhabitants wish to keep the town quiet, they ought to attend and prosecute'.<sup>54</sup> Given that this had involved a journey to the mainland to attend Petty Sessions, it is little surprise that few were prepared to do so, particularly tradesmen, who might according to the *Sheerness Guardian*, lose time and risk expense by attending to prosecute.

Emsley has noted the increasing role of the police as prosecutors in cases of misdemeanour and petty street offence from the middle of the nineteenth century onwards, as the new forces 'grew in confidence and professionalism', observing that the process whereby this happened has received little attention from historians.<sup>55</sup> Evidence suggests that the Kent judiciary system during the period under examination reveals this process of transition at work. Clearly the Sittingbourne magistrate quoted above preferred for police evidence to be corroborated by a prosecuting member of the public. In Maidstone and Gravesend by contrast, it was

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<sup>53</sup> *Sheerness Guardian*, 26 August 1865.

<sup>54</sup> *Sheerness Guardian*, 14 January 1865.

<sup>55</sup> Emsley, *Crime and Society*, p. 190.

already established practice by 1860 for police officers alone to prosecute in cases of street misdemeanour and it was clearly acceptable to magistrates that if challenged, their evidence be corroborated by a colleague rather than an independent witness.<sup>56</sup> Maidstone cases such as the charges against John Holt for vagrancy and against Elizabeth Cripps and Emma Sparshott for 'being drunk, being prostitutes' for example, were prosecuted by named police officers.<sup>57</sup> A Gravesend prosecution case against prostitute Annie Thompson for being drunk and disorderly resulted in a conviction on the evidence of two police constables, despite Annie's production of a witness to the fact that she had not been drunk.<sup>58</sup>

Prior to the new legislation, cases of Chatham street disorder had been heard by magistrates in neighbouring Rochester. Within weeks of the new arrangement a Chatham woman named Mary Ann Wallis was convicted and sentenced to one month's imprisonment with hard labour for using 'foul and disgusting language' having been tried under the Vagrancy Act, and the following year a Chatham prostitute named Jane Dunbar, described as 'incorrigible', was sentenced to two months with hard labour for being drunk and acting indecently.<sup>59</sup> These cases suggest that the appointment of the Stipendiary Magistrate enabled a markedly more stringent approach to the suppression of public nuisance to be taken than had happened previously.

Evidence relating to the sentencing of prostitutes in Kent suggests a wide variation in practice from place to place, supporting Carolyn Conley's observation regarding inconsistencies in sentencing policy between JPs, that 'regularized justice

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<sup>56</sup> For example, the case against Crispin Linton, *Gravesend and Dartford Reporter*, 9 June 1860.

<sup>57</sup> CKS Maidstone Petty Sessions, 2 February 1864, 16 June 1871, 10 June 1871.

could still produce very irregular results'.<sup>60</sup> It is clear that it was the policy of magistrates in Gravesend for example not to tolerate streetwalking at all, as is evidenced by reported comments made by individual magistrates. Robert Oakes for example pronounced in court by that prostitutes 'must understand that they were not allowed to loiter at any time on the streets'.<sup>61</sup> As will be demonstrated later in this chapter, Gravesend prosecutions of prostitutes were consistently the highest in the county over a twenty-year period.

In Dover by contrast, magistrates consistently demonstrated a more lenient attitude towards prostitutes than their Gravesend counterparts, as demonstrated by their discharge of young prostitute Elizabeth King ('whose girlish appearance' the court reporter dryly observed, 'appeared to excite the compassion of the bench') on a drunkenness and disorderly conduct charge on her promise not to offend again.<sup>62</sup> Evidence suggests that the constables' instructions were to maintain order rather than specifically to suppress soliciting. The Dover Superintendent of Police informed the bench in 1861 that 'the "frail sisterhood" in general wanted a great deal of keeping in order and had of late grown very impudent to the constables whose duty it was to keep order in the places where these women congregated', suggesting that his orders were restricted to the maintenance of public order rather than the specific suppression of soliciting.<sup>63</sup> Evidently therefore, there was a wide margin for discretion and a variation in sentencing policy between magistrates from one town to another with regard to the punishment of convicted prostitutes. This judicial disparity reinforced the variation in policing manpower and policy.

<sup>58</sup> *Gravesend and Dartford Reporter*, 17 March 1877.

<sup>59</sup> *Chatham News*, 30 November 1867, 4 April 1868.

<sup>60</sup> Conley, *The Unwritten Law*, p. 14.

<sup>61</sup> *Gravesend and Dartford Reporter*, 18 December 1858.

<sup>62</sup> *Dover Express and East Kent Intelligence*, 27 July 1861.

<sup>63</sup> *Ibid.*, 2 February 1861.

## Local Governance

The difficulties experienced by Chatham in maintaining public order that have already been outlined were further exacerbated because the town was not an incorporated borough. Instead the town had a traditional system of medieval manorial government with a High Constable and Court Leet. With no Town Council able to pass by-laws, there was no mechanism in place for a swift and efficient response to the problem of street nuisance. Following calls for stricter policing, Chatham authorities discovered in 1859 that the local Board of Health was the appropriate body to act in the suppression of street nuisance, under the provisions of the Town Police Clauses Act of 1847.<sup>64</sup> This legislation contained injunctions relating to the cleaning and lighting of streets and public spaces, and was based, as Croll has observed, on the assumption that 'users of the civilized thoroughfare should be able to move through it safely and easily; anything that militated against this basic principle was to be removed.'<sup>65</sup> A Chatham committee was appointed in 1859 to draw up local regulations based on a selection of measures from the Act. Amongst these were restrictions on dangerous dogs at large, the 'wanton' ringing of doorbells and obstruction of the footpath with goods for sale. Offenders were 'liable to a fine of forty shillings, or fourteen days imprisonment, and any constable may, without warrant, take them into custody and convey them before a justice of the peace.'<sup>66</sup> Although one clause specifically stipulated that prostitutes must not annoy pedestrians, as has been seen police manpower was not

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<sup>64</sup> Town Police Clauses Act 1847, an Act for Consolidating in One Act certain Provisions usually contained in Acts for Regulating the Police of Towns (10 & 11 Vict.) CAP. LXXXIX (hereafter Town Police Clauses Act).

<sup>65</sup> Croll, *Civilizing the Urban*, p.71.

<sup>66</sup> Chatham News, 24 December 1859.

sufficient in Chatham to enforce the regulations consistently, and so street disorder continued to be perceived as a problem by residents. In 1866 two church wardens attended magistrates' sessions to ask the bench to direct the attention of the police to the great nuisance caused every Saturday night by a crowd assembling on the streets at closing time. The 'swearing, fighting and shouting was most intolerable and being at a late hour, about twelve o'clock at night it was a source of great annoyance to the inhabitants.'<sup>67</sup> The press report of this incident, which quotes the magistrates' clerk as saying 'There is no bye-law in Chatham to punish persons for using obscene language' and the Police Superintendent as saying that unless they (the police) found persons in a drunken state or creating a disturbance they could not interfere with them, clearly underlines the wide variation in practice from place to place. In the neighbouring incorporated City of Rochester by contrast, there was a by-law specifically relating to 'indecent words or conduct' in the public streets enabling police to prosecute such offenders.<sup>68</sup> In the same year as the Chatham church wardens' appeal to the magistrates, a woman named Mary Ann Frazer was convicted in Rochester of 'having made use of filthy and obscene language to the annoyance of the inhabitants contrary to the by-laws of the city' and fined twenty shillings plus six shillings costs, or in default one month in gaol.<sup>69</sup> As has been seen, the situation in Chatham appears to have begun to change after the implementation of the 1867 Chatham and Sheerness Stipendiary Magistrates Act.

The significant difference in policing between Chatham and the neighbouring incorporated City of Rochester was remarked upon during the hearing of evidence by the 1882 Parliamentary Select Committee on the operation of the CD Acts.

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<sup>67</sup> *Ibid.*, 24 March 1866.

<sup>68</sup> Select Committee 1882, p. 181.

<sup>69</sup> *Chatham News*, 13 October 1866.

Witness Frederick Wheeler from Chatham was questioned on the matter. ‘You are aware, are you not’, he was asked, ‘that local boards, unless they are also corporations, have no police powers? And, therefore, what could be done in Rochester could not be done in Chatham where there was no corporate body’.<sup>70</sup> Incorporated boroughs were in a much better position to respond quickly and effectively to complaints about public nuisance. When for example, the Dover Watch Committee received a letter of complaint from a member of the public regarding the obstruction caused by crowds gathering to hear a public preacher, they responded instantly by drawing up a set of guidelines to be issued to police with immediate effect.<sup>71</sup> In addition to variations in magistrates’ sentencing policies therefore, differences in local governance influenced the rigour with which standards of public order were maintained. The focus of this discussion now turns to the legislative framework that enabled the regulation of street disorder, and to the role that was played by the ‘new’ police in this process.

## Policing the Streets

Discussions of the control of prostitution that define the subject exclusively in terms of the repression of dangerous sexuality and gendered power relations risk obscuring the fact that other groups such as the homeless and destitute, unsupported mothers and the elderly poor were also targeted by the mid-century zeal to clean up the streets. It is clear that according to contemporary definitions prostitutes constituted one sub-set within a wider category of perceived transgressors against rising standards of public order and decency that also included beggars, vagrants and petty

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<sup>70</sup> Select Committee 1882, p. 151.

thieves. The 1824 Vagrancy Act for example grouped peddlers, prostitutes and beggars together, whilst Henry Mayhew's category of 'Those that will not work' comprised prostitutes, thieves, beggars and swindlers.<sup>72</sup> Thus the control and policing of street prostitution constituted one aspect of a much wider move towards what has been described as the 'social and moral transformation of labouring women and men' that took place in the mid nineteenth century.<sup>73</sup>

In the years following the introduction of the 'new' police, legislative and attitudinal changes extended the scope of police powers and responsibilities beyond the prevention and detection of crime to the maintenance of raised standards of public order and decency.<sup>74</sup> Government concern over levels of vagrancy increased during the early 1800s, partly as a result of the waves of migration that accompanied industrial development. Public behaviours that had previously been tolerated were redefined as unacceptable and by the 1850s, according to Philips and Storch, it was recognised that 'a new standard of order and public decorum should be enforced and 'taught' to the disorderly poor by blue-coated "domestic missionaries"'.<sup>75</sup> Taylor argues likewise, that 'the new police subjected working-class society in particular to greater scrutiny'.<sup>76</sup>

Street prostitutes, beggars, gamblers and those simply wandering with no visible means of sustenance or not able to give a good account of themselves were liable to arrest and prosecution. Arrest and conviction rates for petty street disorder offences, as historians have demonstrated, escalated after the introduction of a new,

<sup>71</sup> South East Kent Archive Centre Dover Watch Committee Minutes, (Do/Amc 26/2), (hereafter SEK Dover Watch Committee Minutes), 27 July 1869.

<sup>72</sup> Henry Mayhew, (ed.) *London Labour and the London Poor*, 4 vols. London, 1861-2, (London: Penguin, repr.1985), p. 445.

<sup>73</sup> Dobash, Dobash and Gutteridge, *The Imprisonment of Women*, p. 35.

<sup>74</sup> See Stefan Petrow, *The Metropolitan Police and the Home Office 1870-1914* (Oxford: Clarendon Press, 1994).

<sup>75</sup> David Philips and Robert Storch *Policing Provincial England 1829-1856: The Politics of Reform* (London: Leicester University Press, 1999), p. 235.

professional policing system in any area.<sup>77</sup> The regulation of public order, as Taylor has observed, occupied the majority of police time and the number of petty offences prosecuted far outweighed the number of serious crimes.<sup>78</sup> ‘For those categorized as the residuum,’ according to Stefan Petrow, ‘the sternest disciplinary measures were evolved within the expanding administrative arenas of state action.’<sup>79</sup> This trend has been attributed to the combined effects of the influence of moral reform movements, increased manpower, the fact that offending activities such as soliciting conducted in the street were easily observable by the patrolling constable and because the control of petty offences was a relatively simple and productive task when compared with the detection of crime.<sup>80</sup> This process was facilitated by the enactment of statutory mechanisms at national and local level to enable the suppression of street nuisance, which frequently coincided with the establishment of a professional police force in an area. Between 1857 and 1899 the annual number of prosecutions for non-indictable offences (that is, less serious offences that were dealt with under summary justice) more than doubled from 329,019 to 761,322 nationally in line with the growth in police numbers.<sup>81</sup>

The 1824 Vagrancy Act, an ‘Act for the Punishment of Idle and Disorderly Persons, and Rogues and Vagabonds’, had been enacted against a background of growing middle-class fears of the riotous masses from the late 1700s onwards, was worded in such a way as to target a wide range of offending behaviour and provided for custodial sentences of up to three months with hard labour for a range of petty

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<sup>76</sup> Taylor, *New Police*, p. 97.

<sup>77</sup> Emsley, *English Police*, pp. 59-60.

<sup>78</sup> Taylor, *Crime, Policing and Punishment*, p. 92.

<sup>79</sup> Petrow, *The Metropolitan Police*, p. 30

<sup>80</sup> Conley, *The Unwritten Law*, p.172; Emsley, *The English Police*, p. 60; David Jones, *Crime, Protest, Community and Police in Nineteenth-Century Britain* (London, Routledge & Kegan Paul, 1982), p 131.

<sup>81</sup> Howard Taylor, ‘A Crisis of “Modernization” or Redundancy for the Police in England and Wales, 1900 - 39’, *British Journal of Criminology*, 39 (1999), 113-135, (p. 115).

public order offences. These included begging and sleeping out of doors, peddling without a licence as well as being applied to prostitutes found wandering in public and behaving indecently or boisterously.<sup>82</sup> The Vagrancy Act, as Helen Self has noted, was the first piece of legislation to coin the phrase 'common prostitute'.<sup>83</sup> It also employed the word 'riotous' in its literal connotation of civil unrest but as this chapter will show, this word came to be interpreted increasingly liberally by police and magistrates over succeeding decades, and its inclusion in the 1824 statute enabled magistrates to convict for a range of noisy or raucous behaviour. Vagrancy, the focus of the 1824 Act, has been described as 'an amorphous category designed to catch those who were not doing anything specifically wrong, but who had no money and looked as if they ought to be in jail'.<sup>84</sup>

Vagrancy was still felt to be a particular problem in Kent as late as the 1860s.<sup>85</sup> The number of individuals in receipt of Poor Law Relief in the county almost doubled in the four years to 1869, and the problem was exacerbated by the immigration into the county of large numbers of hop pickers in August and September each year. Penalties for vagrancy, begging and sleeping out of doors could be severe and were frequently strictly applied to offenders unfortunate enough to be in the wrong place at the wrong time. Examples include William Lindsay, 'a wretched looking type of the vagrant class' who was convicted of begging, and John Callaghan, who was committed to the House of Correction for obstructing the footway in Dover.<sup>86</sup> Anne Smith and Mary Ann White were convicted as vagrants and sentenced to seven days imprisonment with hard labour each, whilst Henry

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<sup>82</sup> Vagrancy Act, 1824 (5 Geo. 4) CAP. LXXXIII; An Act for the Punishment of Idle and Disorderly Persons and Rogues and Vagabonds, in that part of Great Britain called England.

<sup>83</sup> Self, *Prostitution, Women and Misuse of the Law*, p. 38.

<sup>84</sup> Harsin, *Policing Prostitution*, p.155.

<sup>85</sup> *Maidstone and Kentish Journal*, 6 February, 2 September 1871.

Kitchen of Sheerness 'did wander abroad to beg and gather alms' and was sentenced to twenty-one days with hard labour.<sup>87</sup> Old age or infirmity do not appear to constituted mitigating factors, since William Turner 'an elderly man' and eighty-three year-old Margaret Walton both of Gravesend, were sentenced to ten and fourteen days with hard labour respectively for begging.<sup>88</sup> Jane Seamark, a young girl, was sentenced to fourteen days with hard labour for 'lodging in the open air and having no visible means of support', the same penalty that was awarded to Richard Staples for sleeping in a barn at Cudham.<sup>89</sup> In Chatham Elizabeth Thompson and William Edmunds were convicted of sleeping in the open air and having 'no visible means of existence' and were sentenced to fourteen days with hard labour, whilst Frances Maria Bailey was sentenced to one month with hard labour for sleeping in a closet and not having any visible means of support in Dover.<sup>90</sup> Effectively, according to Roberts, anyone who used the streets for recreation or for fringe commercial activity, such as children, adolescents and the casually employed, 'became subject to the strict discipline of the police and the magistrate's court'.<sup>91</sup> Magistrates for the North Aylesford division in Kent were prompted to issue a public notice as a result of a special session held on 8 May 1835, at which it had been decided to deal more rigorously with 'Rogues and Vagabonds'. These, it was announced, would henceforth be punished 'with the utmost rigour of the law'.<sup>92</sup> This

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<sup>86</sup> *Dover Express and East Kent Intelligence*, 14 August, 21 August 1858.

<sup>87</sup> CKS Sheerness Police Court Register, 17 March 1868.

<sup>88</sup> *Dover Express and East Kent Intelligence*, 30 October 1858; CKS Gravesend Petty Sessions; 25 August 1873; *Gravesend and Dartford Reporter*, 19 August 1865.

<sup>89</sup> *Maidstone Telegraph and West Kent Messenger*, 17 May 1873; *Kentish Mercury*, 15 January 1870.

<sup>90</sup> *Chatham News*, 8 August 1863; SEK Dover Petty Sessions Court Register, 14 February 1881.

<sup>91</sup> Roberts, M.J.D., 'Public and Private in Early Nineteenth-Century London: The Vagrant Act of 1822 and its Enforcement' *Social History*, 13 (1988), 273-294 (p. 285).

<sup>92</sup> Medway Archives and Local Studies Centre, Strood (hereafter MALS), printed handbill PS/NA/72/11.

step was taken as a consequence of offenders 'fraudulently enticing the unwary to play with Thimbles and other instruments of false and illegal games'.

The Municipal Corporations Act (1835) had, in addition to providing for the establishment of borough police forces, contained a clause enabling 'any Constable during the Time of his being on Duty to apprehend all idle and disorderly Persons whom he shall find disturbing the public Peace' and take them before a Magistrate.<sup>93</sup>

Additionally as has been seen, the 1847 Town Police Clauses Act consolidated guidance to police with regard to the regulation of towns and 'populous districts'. Dover police broke up a running match because the road and pathway were blocked by spectators, the magistrates commenting that 'it had better be understood that running matches would not be allowed on the highway'.<sup>94</sup> Provision was made for the suppression of all activity that impeded free and easy movement through the public thoroughfare or which annoyed or caused offence to fellow residents, as well as the regulation of public safety. Offending behaviour, catalogued in a list of 'obstructions and nuisances' included exposing goods for sale on the pavement, wantonly ringing door bells, singing obscene songs, indecent exposure, flying kites and beating rugs or carpets after eight o'clock in the morning.<sup>95</sup>

In addition, local by-laws, described by Taylor as part of a 'complex puzzle facing the constable on the beat' were also brought into play against offending public behaviour.<sup>96</sup> Gravesend by-laws for example were enacted in 1836, the year of the establishment of the borough police force, to prohibit obstruction and 'annoying any person' as well as swearing and gambling on the street. A handbill

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<sup>93</sup> Municipal Corporations (England) Act 1835, an Act to provide for the regulation of Municipal Corporations in *England* and *Wales* (5 & 6 Will. 4) CAP. LXXVI (hereafter Municipal Corporations Act).

<sup>94</sup> *Dover Express and East Kent Intelligence*, 18 July 1863.

<sup>95</sup> Town Police Clauses Act 1847,

<sup>96</sup> Taylor, *New Police*, p. 92.

dated 1849 cautions 'idle and disorderly persons' against 'making a noise and disturbance in the vicinity of the pier' and against 'using obscene language and swearing'.<sup>97</sup> In Maidstone, similar printed 1836 instructions issued to police prohibited the flying of kites and the trundling of hoops on any public street.<sup>98</sup> It is clear from Maidstone Petty Sessions records that obscene language and drunkenness offenders were prosecuted under local by-laws, whilst the Vagrancy Act was used in the case of beggars or 'disorderly' prostitutes.

Punishments for the transgression of new codes of acceptable public behaviour started with fines, such as the one shilling plus ten shillings costs imposed on George Brett, a Canterbury lad, for sliding on the pavement, the eleven shillings on three Sheerness youths convicted of throwing snowballs and the fifteen shillings on George Marsh of Maidstone for playing Pitch and Toss on Easter Sunday.<sup>99</sup> Thomas Smith, convicted of sitting on a window sill at the Nelson Inn in Gravesend was fined one shilling plus costs, whilst in Chatham Robert and Elizabeth Highmore, 'wandering minstrels, but very shabbily attired' were fined seven shillings for creating a disturbance.<sup>100</sup>

The use of 'foul' or 'obscene' language was considered to be an offence against public decency and punished harshly in most locations, for example Mary Ann Lewis of Maidstone, landlady of the Jolly Sailor public house, was fined one pound and ten shillings, plus another eleven shillings to be paid to Mary Burrage, for calling the latter a "“bloody whore” to the annoyance of residents', and two

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<sup>97</sup> *Bye-Laws for the Good Rule and Government of the Borough of Gravesend, Kent and for the Prevention and Suppression of Nuisances Therein.* (Gravesend: T. Caddel, King St, 1836) VII: quoted in M.J. Phillips, *The Development of the Police Force in Gravesend 1816-1866* (1963) Gravesend Public Library L920 & 352.2 115175, p.40.

<sup>98</sup> *Borough of Maidstone Police: Instructions and Conditions* (Maidstone: J. Brown, Week St, 1836), p. 22.

<sup>99</sup> *Kentish Gazette*, 3 January 1871; CKS Sheerness Police Court Register, 24 December 1867; *Maidstone and Kentish Journal*, 5 April 1864.

<sup>100</sup> *Gravesend and Dartford Reporter*, 2 May 1863; *Chatham News*, 28 September 1861.

Canterbury lads were fined 'for singing obscene songs in Watling St.'<sup>101</sup> In addition to the use of bad language, 'disorderly behaviour' also appears to have been defined in terms of making unnecessary and indecorous noise in public places, or within earshot of public places. As was discussed previously, Croll has argued that a new street etiquette was developed that marked out a town's thoroughfares as 'sites of movement, of silence and of safety.'<sup>102</sup> Clearly any argument carried out in public could, in this sense be defined as disrupting the public peace. Elizabeth Allum of Gravesend for example was convicted of noisy and disorderly conduct fined five shillings for quarrelling with her husband, albeit that she was standing at her own front door at the time.<sup>103</sup>

All fines carried a default custodial sentence for those unable to pay. Mary Ann Probin and Emma Smith for example, arrested as 'common prostitutes' for being riotous and quarrelling with each other in the Anchor and Crown, were sent to Maidstone Gaol for fourteen and twenty-eight days with hard labour respectively, being unable to pay fines of ten and twenty shillings.<sup>104</sup> Penalties escalated to mandatory custodial sentences for more serious offences and for those committed by persistent offenders. Martha Burgess was sentenced to seven days imprisonment for disorderly conduct, her offence having been 'standing on the pavement and refusing to move'.<sup>105</sup> William Marsh, who was arrested for 'loitering on the streets and not being able to give a satisfactory account of himself' in Sheerness was sentenced to twenty-one days, the same sentence awarded to Chatham prostitute Mary O' Donald

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<sup>101</sup> CKS Maidstone Petty Sessions, 22 June 1877; *Kentish Gazette*, 24 January 1871.

<sup>102</sup> Croll, *Civilizing the Urban*, p. 68.

<sup>103</sup> *Gravesend and Dartford Reporter*, 3 March 1866.

<sup>104</sup> CKS Gravesend Petty Sessions, 25 May 1874.

<sup>105</sup> *Maidstone Telegraph and West Kent Messenger*, 29 August 1863.

for sleeping in an outhouse and wandering about without any visible means of existence.<sup>106</sup>

Public drunkenness was a persistent problem and authorities in all locations appear to have been prepared to deal with it severely. An elderly Canterbury woman for example was imprisoned for fourteen days with hard labour for being drunk and using obscene language, whilst eighty year-old Sarah Knight served a seven day custodial sentence for drunkenness in Dover.<sup>107</sup> Maidstone justices saw more than their fair share of cases of drunkenness because prisoners from the county gaol were given a 'moderate' sum of money on discharge to enable them to return to their place of settlement. Often this money was spent at one of the local public houses. At the hearing of a drunk and disorderly charge against Catherine Smith, who by 1874 had at least twenty-four previous convictions, Police Inspector Gifford explained to the bench that Catherine 'never turned up' in Maidstone except when sent from elsewhere to the prison, and the police generally came into contact with her after her discharge.<sup>108</sup>

Evidence from Kent suggests that the desire for public order was not a simplistic matter of the imposition of one class's value system on another, a question that has preoccupied historians of criminal justice. Subscribers to a 'conflict' model of society have interpreted the 'new' police as the means by which the middle-classes sought to gain control of the street culture of the working classes.<sup>109</sup> Others have argued that the respectable poor were also supportive of campaigns to clean up the streets.<sup>110</sup> When Gravesend solicitor Charles Voules was found drunk and

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<sup>106</sup> CKS Sheerness Police Court Register, 24 December 1867; *Chatham News*, 3 May 1862.

<sup>107</sup> *Kentish Gazette*, 31 January 1871; *Dover Express and East Kent Intelligence*, 1 June 1861.

<sup>108</sup> *Maidstone Telegraph and West Kent Messenger*, 28 March 1874.

<sup>109</sup> See for example, Storch, 'Policeman as Domestic Missionary'.

<sup>110</sup> Lucia Zedner, *Women, Crime and Custody in Victorian England*, (Oxford: Clarendon, 1991), p. 18.

annoying persons in the public street after dining with friends he was fined twenty shillings plus costs in line with his income. At the hearing of another case of public middle-class drunkenness magistrate Henry Ditchburn took the opportunity to say that 'it would be most unjust to the poor people, who were being continually fined for drunkenness and disturbing the public peace, if they allowed gentleman-like defendants, whose position in society ought to teach them better, to offend with impunity'.<sup>111</sup> Civil engineer James Coats' wife and nursemaid were prohibited by a police constable from wheeling a perambulator on the footpath in the High Street. Coats visited the Head Constable to remonstrate, and then made a heated protest in the columns of the newspaper.<sup>112</sup>

In summary, by the period of this study there was a general raised expectation of order, respectability and decorum on the streets and in other public places. This discussion has provided a contextual framework for the discussion of the policing and regulation of street prostitutes that follows. Prostitutes were not unique in being targeted in the drive to keep public thoroughfares free, passable and decorous. In many locations the elderly poor, the destitute, the homeless and vagrants were equally vulnerable to persistent harassment at the hands of local police and likely to be punished with custodial sentences, old age and infirmity notwithstanding. The policing of street prostitution can therefore be located within a wider narrative of the regulation and control of the casual poor and the imposition of raised standards of respectable public behaviour. This focus of discussion now turns specifically to the routine, everyday policing of prostitution in the ports and garrison towns of Kent, in the years prior to and during the enforcement of the CD Acts.

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<sup>111</sup> *Gravesend and Dartford Reporter*, 24 May, 30 August 1862.

<sup>112</sup> *Ibid.*, 26 October 1867.

## Policing Prostitution

The public acts of soliciting and streetwalking appear to have caused more offence in the Kentish port and garrison towns than prostitution in itself, thus suggesting that visibility was a central concern.<sup>113</sup> Protest was articulated by local residents, for example the written complaint to the newspaper in Sheerness: ‘The time is surely come for the respectable inhabitants to stir in the matter... Surely the habit of prostitutes walking the streets unbonnetted might easily be stopped; this habit, with others equally offensive to public decency is rapidly tending to ruin the business of respectable tradesmen.’<sup>114</sup>

The evidence suggests that local officialdom as well as the inhabitants perceived streetwalking and soliciting more as matters of public nuisance and disorder than purely one of morality, and dealt with them as such. Maidstone Police Superintendent Barnes for example, described Ann Chatfield as a ‘complete pest’ to the bench at the hearing of the case against her of being drunk and disorderly, and Clara Greenstreet of Dover was described by PC Campany as ‘one of the biggest nuisances walking the streets’ before Clara was sentenced to fourteen days’ imprisonment.<sup>115</sup> The response of some Kentish magistrates to the problem appears to have been an attempt to suppress streetwalking and soliciting before and during the years when the CD legislation was on the statute, making use of the range of public nuisance instruments discussed previously to suppress prostitutes’ activities. Practice varied from location to location with regard to the statutory instruments used to control street prostitution. Petrow has discussed how, in London, some

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<sup>113</sup> Croll, *Civilizing the Urban*, p. 80.

<sup>114</sup> *Sheerness Guardian*, 20 May 1865.

<sup>115</sup> *Maidstone Telegraph and West Kent Messenger*, 26 May 1866; *Dover Express and East Kent Intelligence*, 6 July 1861.

magistrates used the Vagrancy Act whilst others preferred the Metropolitan Police Act of 1839.<sup>116</sup> Other possibilities included the Town Police Clauses Act, local by-laws and improvement and licensing laws. In many Kentish locations the Vagrancy Act appears to have been the preferred option, its advantage being that it enabled the police to arrest on suspicion and thus placed the onus with the arrested party to prove their good intent.<sup>117</sup> The wording of the statute, 'unlicensed pedlars, prostitutes, and beggars shall be deemed idle and disorderly persons, and may be imprisoned for one month with hard labour' was frequently incorporated into the charge, as recorded in the court minutes. In Maidstone in the early 1870s for example, it appears to have been the preferred practice to charge prostitutes under the Vagrancy Act for being riotous, the conviction being as an 'idle and disorderly person'.<sup>118</sup>

The Town Police Clauses Act of 1847 provided for 'Every common Prostitute or Nightwalker loitering and importuning passengers for the Purpose of Prostitution' to be taken into custody by a police officer without warrant and to be 'conveyed before a Justice'.<sup>119</sup> The penalty on conviction was a fine not exceeding forty shillings or, at the discretion of the JP, a custodial sentence not exceeding fourteen days. This statute also provided for a fine of up to forty shillings or a custodial sentence of up to seven days for 'Every person drunk in the street, and guilty of any riotous or indecent behaviour therein'.<sup>120</sup> Elsewhere local by-laws were used to charge prostitutes with soliciting.<sup>121</sup>

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<sup>116</sup> Petrow, *The Metropolitan Police*, p. 140.

<sup>117</sup> Conley, *The Unwritten Law*, p.175.

<sup>118</sup> CKS Maidstone Petty Sessions, 10 July 1872; 14 December 1871.

<sup>119</sup> Town Police Clauses Act, clause XXVIII.

<sup>120</sup> *Ibid.*

<sup>121</sup> CKS Maidstone Petty Sessions, 4 July, 29 September 1871.

No matter which piece of legislation was used, the effect on working prostitutes was punitive.<sup>122</sup> Police manpower permitting, evidence suggests that many local authorities attempted to clamp down on street prostitution and that local police in many locations stuck to their instructions to control it strictly. These guidelines often followed a similar formula from force to force, the wording of those for Maidstone (dated 1836) and Gravesend (1851) being almost identical:

The constable has power to arrest every common prostitute wandering in the public streets or highways, or in any place of public resort, and behaving in a riotous or indecent manner.<sup>123</sup>

Gravesend police for example, were given power of arrest over any prostitute loitering 'to the annoyance of the inhabitants' and any 'loose, idle or disorderly person whom he had reason to suspect might be about to commit misdemeanour'.<sup>124</sup> For a combination of reasons Gravesend consistently prosecuted more prostitutes than other locations in Kent, a total of 710 prosecutions under summary justice over an eighteen-year period (Figure 3.4).

Kentish evidence suggests that magistrates were easily persuaded of the intent of women brought before them accused of offences relating to prostitution. For example Annie Burch, according to PC Kissock was in the market place 'for the purposes of prostitution', and Frances Bond according to PC Lock was 'importuning

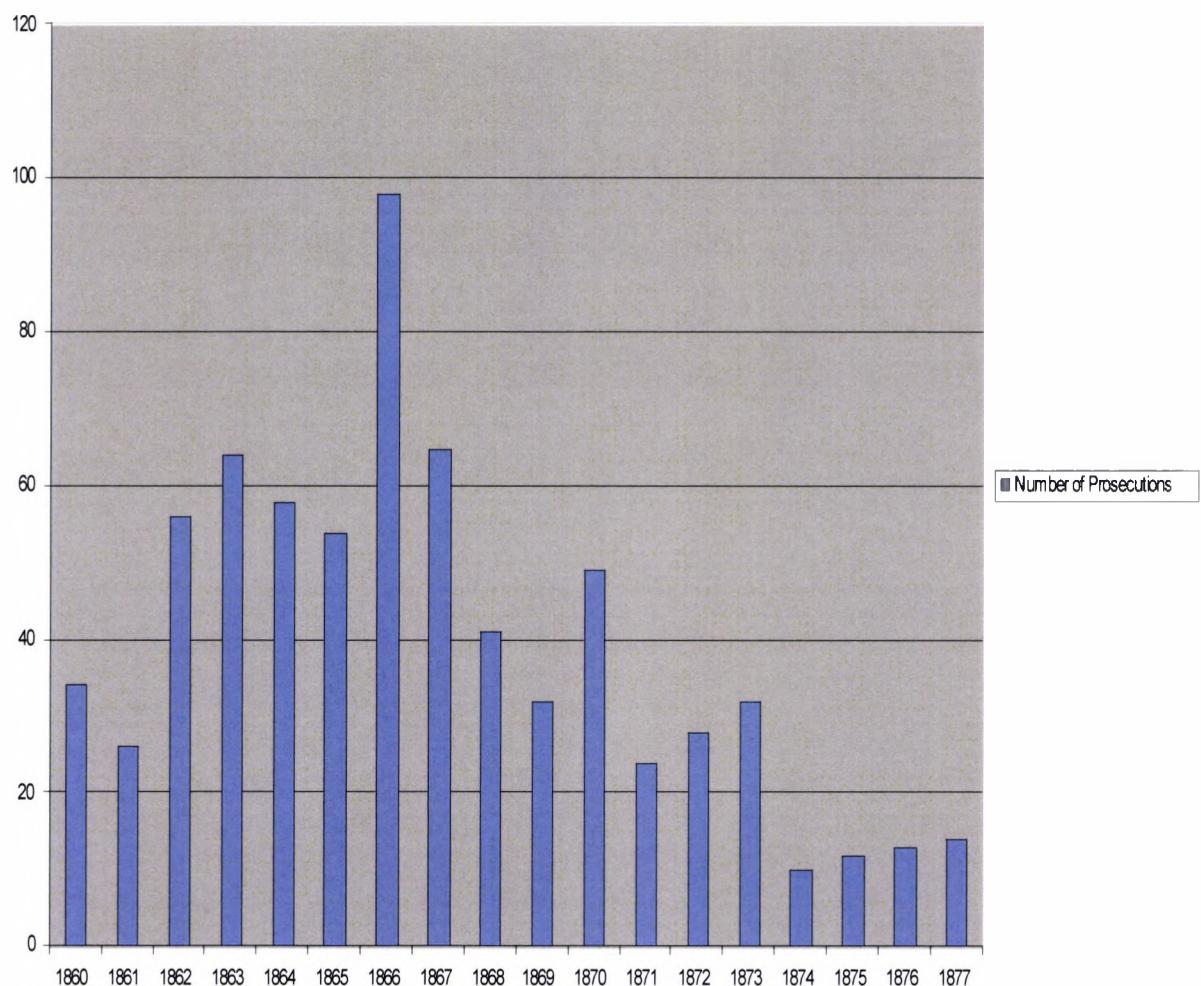
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<sup>122</sup> Emsley, *English Police*, p. 60.

<sup>123</sup> *Rules, Regulations and Directions for the Instruction and Guidance of the Police Force of the Borough of Gravesend* (Gravesend: Caddel & Son, King Street, 1851).

<sup>124</sup> *Ibid.*, paragraph 105.

**Figure 3.4: Prosecution of Prostitutes, Gravesend**



Source: *PP*, Returns of Judicial Statistics of England and Wales, 1860-1877

persons for the purpose of prostitution'.<sup>125</sup> Emma Evans, identified in court as a prostitute, was successfully prosecuted on the charge of obstructing the public street. The bench said that they were 'determined, if possible, to put an end to the practices of such persons as the prisoner'.<sup>126</sup> On other occasions, women appear to have left little room for doubt; Mary Jane Brown was convicted for 'endeavouring to persuade a man to accompany her' and Ellen Mudge for 'unlawfully decoying a seaman' in Sheerness.<sup>127</sup> Police officers appear to have interpreted 'riotous' and 'indecent' behaviour flexibly where necessary, confirming what Emsley has described as the operational discretion allowed to early police officers in the case of victimless offences.<sup>128</sup> The case of streetwalker Rose Brown for example, who was arrested with a man called William Robinson illustrates the liberal interpretation of the term 'riotous'. Both were convicted of drunken and riotous conduct, but as the incident was described by the press it transpires that their 'riotous' behaviour had consisted of dancing and singing in the street, 'hallooing' and calling after each other.<sup>129</sup>

In the first instance prostitutes found soliciting or loitering appear to have been requested by the police officer to move on, the primary objective being to prevent obstruction and annoyance to passers by. It is clearly not possible to estimate the percentage of cases that were dealt with in this informal way and which were taken no further. Press reports of the Gravesend charges brought against Kate Trew, Sarah Rouse, Sarah London and Emily Butler for example, state that in the first instance the arresting policemen asked them to go away or to go home, and the

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<sup>125</sup> *Gravesend and Dartford Reporter*, 8 October 1864, 25 February 1865.

<sup>126</sup> *Ibid.*, 9 August 1862.

<sup>127</sup> *Sheerness Times and General Advertiser*, 26 November 1870.

<sup>128</sup> Emsley, *Crime and Society*, p.15.

<sup>129</sup> *Gravesend and Dartford Reporter*, 29 November 1856.

arrest ensued after they refused or were abusive in response.<sup>130</sup> Streetwalkers, whose trade depended on their being able to procure clients in public places, were by definition unable to permanently vacate the streets. As Nead has observed, this method of controlling prostitution, which targeted public behaviour rather than the activity itself, 'discriminated against the street-walkers, the working-class women at the bottom of the scale of prostitution'.<sup>131</sup> This group, as the evidence suggests and as has been discussed previously, made up the majority of the identified prostitutes working in the ports and garrison towns of Kent.

### **Soliciting**

This charge appears to have been applied to a range of offending activity from the overt solicitation of passing men to loitering and obstructing the footpath.

Magistrates in certain Kentish locations appear to have been prepared to deal strictly with prostitutes arrested for this category of offence, particularly if it was supported by a complaint from a member of the public. Kate Douglas of Gravesend for instance, described as 'a notorious prostitute' was found in the street between one and two in the morning by PC George Goodwin, who cautioned her and gave her the option of going home. She declined, was arrested and charged, and ordered to be imprisoned for twenty-one days.<sup>132</sup> When Ellen Gladstone and Dinah Butcher were arrested in Chatham, PC Hibbard told the bench that their conduct had been of the

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<sup>130</sup> *Gravesend and Dartford Reporter*, 12 May, 9 June 1860; CKS Gravesend Petty Sessions, 15 October 1873.

<sup>131</sup> Nead, *Myths of Sexuality*, p. 115.

<sup>132</sup> *Gravesend and Dartford Reporter*, 10 February 1866.

'most indecent kind'. This, it transpired, consisted of 'calling to gentlemen as they passed down the street'. One of the gentlemen 'insulted' by the women in this way was a clergyman. Gladstone was sentenced to fourteen days imprisonment and Butcher to ten days.<sup>133</sup>

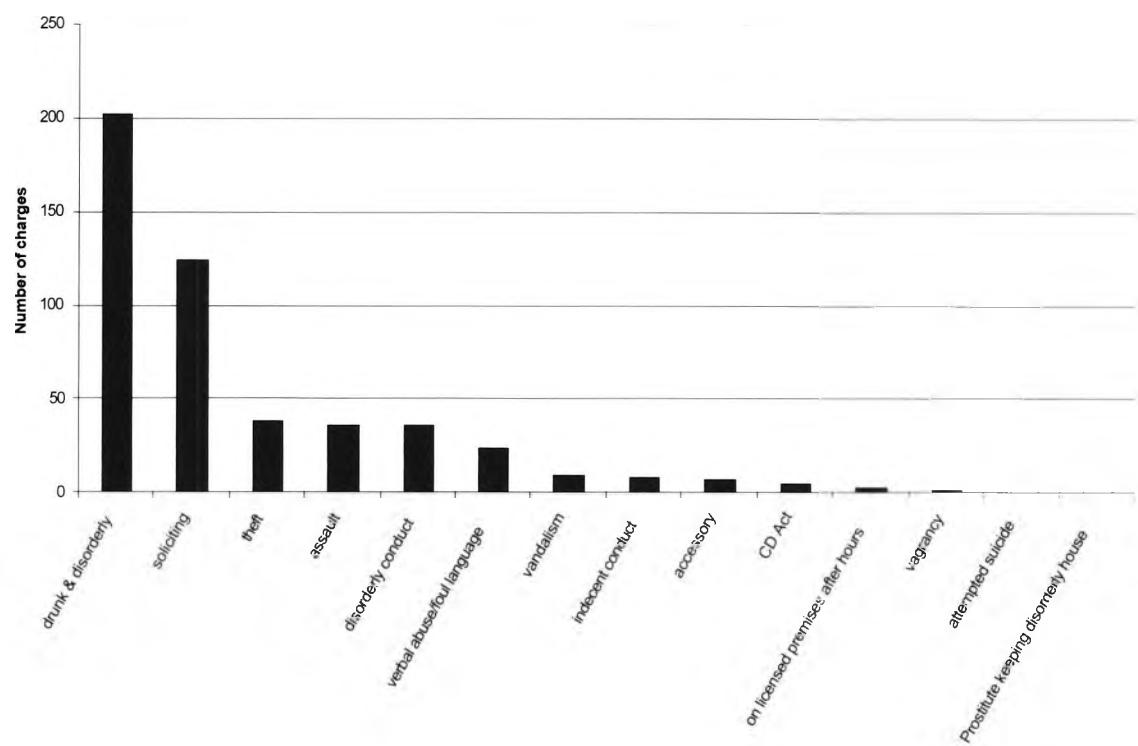
Over 500 prosecutions brought against prostitutes in Gravesend in the twenty-four years between 1856 and 1879 and reported in the local press have been categorised and analysed (see Figure 3.5). A comparison with the total number of cases for part of this period as recorded in parliamentary Returns of Judicial Statistics suggests that these 500 reported cases represent some two thirds of the total. The first category consists of offences that relate directly to prostitution. These were variously described as 'soliciting', 'loitering for the purposes of prostitution', 'importuning passers-by' and obstructing the footpath. 25% of the total number of reported charges brought against prostitutes comes into this category. In forty-three cases the option of a fine was offered. However, it is clear that whereas in some cases the fine was set at a level where it might serve as a deterrent, (for example, one shilling plus costs imposed on four women in 1874) on other occasions it was set at a level which might reasonably be supposed that the woman would be unable to pay, and that the default custodial sentence was imposed in default. Gravesend prostitutes Catherine Rawlinson and Elizabeth Tovey, for example, served twenty-one days and fourteen days in default of fines of ten shillings plus four shillings and six pence costs and ten shillings respectively.<sup>134</sup>

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<sup>133</sup> *Chatham News*, 15 April 1865.

<sup>134</sup> *Gravesend and Dartford Reporter*, 6 August 1864; CKS Gravesend Petty Sessions, 14 October 1874.

**Figure 3.5: Charges brought against Prostitutes as Reported in the Local Press: Gravesend 1856-1879**



Source: Reported Prosecutions, *Gravesend and Dartford Reporter*, 1856 - 1879

Similarly, Joanne Chilman found that in Hull prostitutes' fines were set higher than those of other offenders, which made it impossible for them to pay and thus the default prison sentence with hard labour was usually served.<sup>135</sup>

Since it is usually not possible to determine from the records whether a fine was paid or whether a custodial sentence was served instead, for the purposes of the following analysis fines have been divided into those above and those below ten shillings, an arbitrary figure but one above which it seems reasonable to assume that in most cases the default custodial sentence was likely to have been served. Thus the total figures given here for custodial sentences are, if anything, likely to be severely understated.

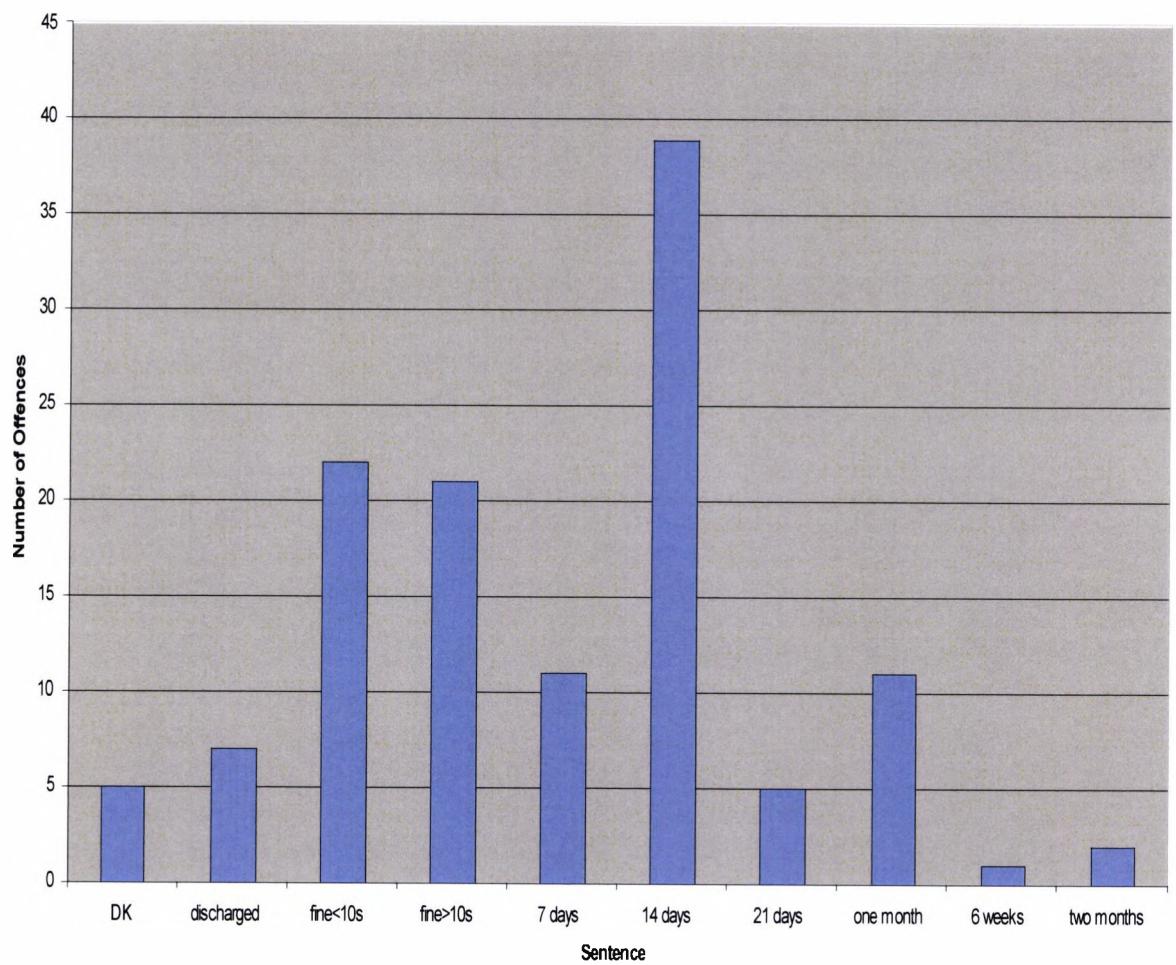
The most common sentence imposed for soliciting in Gravesend (Figure 3.6) was fourteen days with hard labour (31% of cases). In 9% of cases a sentence of seven days was served, and in an additional 15% of cases a custodial sentence of longer than fourteen days was imposed. Thus 56% of the Gravesend prostitutes who were convicted of soliciting, loitering or obstructing the passage served a mandatory custodial sentence. Examples include Selina Calver, a 'young girl' discussed in Chapter 2, who was charged with being about the streets for the purposes of prostitution having been found sleeping in Market Place by Constable Robert Flinn. He told the bench that he had frequently seen her there in the company of men. She was sentenced to fourteen days' imprisonment.<sup>136</sup> Emma Preston, Ellen Baker and Ann Newman were all summoned for 'obstructing the footpath, being prostitutes' in January 1865 and

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<sup>135</sup> Joanne Chilman, 'Fallen Women and the Law in Nineteenth-Century Hull', <http://www.historytoherstory.org.uk>, p. 2 [accessed 18 July 2008].

<sup>136</sup> *Gravesend and Dartford Reporter*, 27 May 1865.

**Figure 3.6: Convictions for Soliciting, Gravesend 1856-1879: Sentences**



Source: Reported Prosecutions, *Gravesend and Dartford Reporter*, 1856-1879

sentenced to between fourteen and twenty-one days with hard labour.<sup>137</sup> Elizabeth Miller and Sarah Day were charged with loitering at the rear of Harmer Street for the purposes of prostitution and were sentenced to two months with hard labour each. During one single week in 1870 five women were prosecuted on the charge that being prostitutes they either obstructed the footpath or were found loitering for the purposes of prostitution. Sentences ranged between fourteen days and one month. Similarly, in the first week of June 1874 seven Gravesend prostitutes were brought before the magistrates on charges of 'obstructing the footpath and causing an inconvenience'. Sentences ranged between seven and fourteen days.<sup>138</sup> Sophia Stibbs was charged in 1874 with 'being a disorderly prostitute' without any specific offence being mentioned. She was found guilty and sentenced to twenty-one days with hard labour.<sup>139</sup> In an unusual 1863 case, Ann Harper was charged under statute 'Edward III 34', with 'being a person of ill and evil fame and a common prostitute' having been heard using abusive and obscene language from inside a known brothel. Ann was sentenced to two months imprisonment in default of sureties of forty pounds from herself and two of twenty pounds, which it might reasonably be supposed she was unable to find.<sup>140</sup>

The largest group of prosecutions against Gravesend prostitutes was for misdemeanours related to drunkenness. These include charges of being 'drunk and disorderly', 'drunk and riotous', and 'drunk and causing a disturbance'. Over 200 of such cases were reported in the press during the period under examination, representing 40% of all cases reported. In these cases the charge was often phrased so that the woman's occupation was mentioned and inferred to be of relevance, even

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<sup>137</sup> *Gravesend and Dartford Reporter*, 7 January 1865.

<sup>138</sup> CKS Gravesend Petty Sessions, 8 June 1874.

<sup>139</sup> *Gravesend and Dartford Reporter*, 21 February 1874.

<sup>140</sup> *Ibid.*, 10 October 1863.

when unconnected to the specific offence. Jane Barber for instance, was charged with being drunk and incapable and lying down in the roadway, but was actually convicted as a disorderly prostitute, and sentenced to fourteen days. Thus whilst the offence committed was drunkenness, the woman was sentenced in addition for being a prostitute. This category of offence was more likely to be punished by a fine than those previously discussed, but custodial sentences were on average more severe. Examples include Emily Boswell, sentenced to twenty-eight days with hard labour in April 1869 for being drunk and soliciting prostitution in the High Street and Eliza Jackson, twenty-eight days for being a prostitute, being drunk and abusing PC Pemberton in Stone St.<sup>141</sup> In January 1870 Elizabeth Bond and Mary Ann Willoughby were each sentenced to twenty-eight days with hard labour for being 'drunk and disorderly prostitutes.' In a rare display of compassion Rosetta Groves was escorted back home having been charged with being a prostitute, being in a state of intoxication with three men on the canal bank and attempting to commit suicide by jumping into the water. Two weeks later however, she was back in court on a charge of drunk and disorderly conduct, being a prostitute and causing a disturbance in High Street. This time Rosetta was sentenced to twenty-eight days with hard labour. An additional 7% of the Gravesend charges were for 'disorderly behaviour' when alcohol was not mentioned, 2% for 'indecent behaviour' or 'indecent exposure' and 5% for verbal abuse or foul language. Thus, 52% of the charges brought against prostitutes in Gravesend were for public order offences, in addition to the 25% for soliciting.

Practice appears to have been somewhat different in Sheerness, where the majority of prosecutions against prostitutes were brought under the Vagrancy Act.

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<sup>141</sup> *Gravesend and Dartford Reporter*, 19 August 1865.

Charges typically read that ‘she then and there being a common prostitute wandering in a certain public street called (West Street, Blue Town), did then and there behave in a riotous manner’<sup>142</sup> Over 160 of such charges brought against prostitutes between 1869 and 1879, following the appointment of the Stipendiary Magistrate, have been analysed.<sup>143</sup> It is clear from the surviving Police Court registers that prosecutions brought against alleged prostitutes in Sheerness were one of the few categories of charge where a mandatory custodial sentence was the norm and the option of a fine was not offered to the defendant. Sentences for prostitution alone were on average harsher than in Gravesend. Analysis of the prosecutions of prostitutes in the period 1869 to 1879 show that in cases where no supplementary charge such as drunkenness was involved, 52% of custodial sentences were for one calendar month or longer and 23% were for three calendar months (see Figure 3.7). Examples include Emma Cable and Eliza Dann, both arrested for ‘wandering in High St., Blue Town and being prostitutes behaving in a riotous manner’, on 17 August 1869.<sup>144</sup> They were both sent to Maidstone Gaol to serve fourteen day sentences with hard labour. The Sheerness prosecution of Sarah Charlesworth in May 1870 once again illustrates the process by which police incorporated the allegation of being ‘riotous’ into the charge. The arresting officer, PC Henry Lane alleged that Sarah had been ‘shouting, halloing and swearing in a very loud

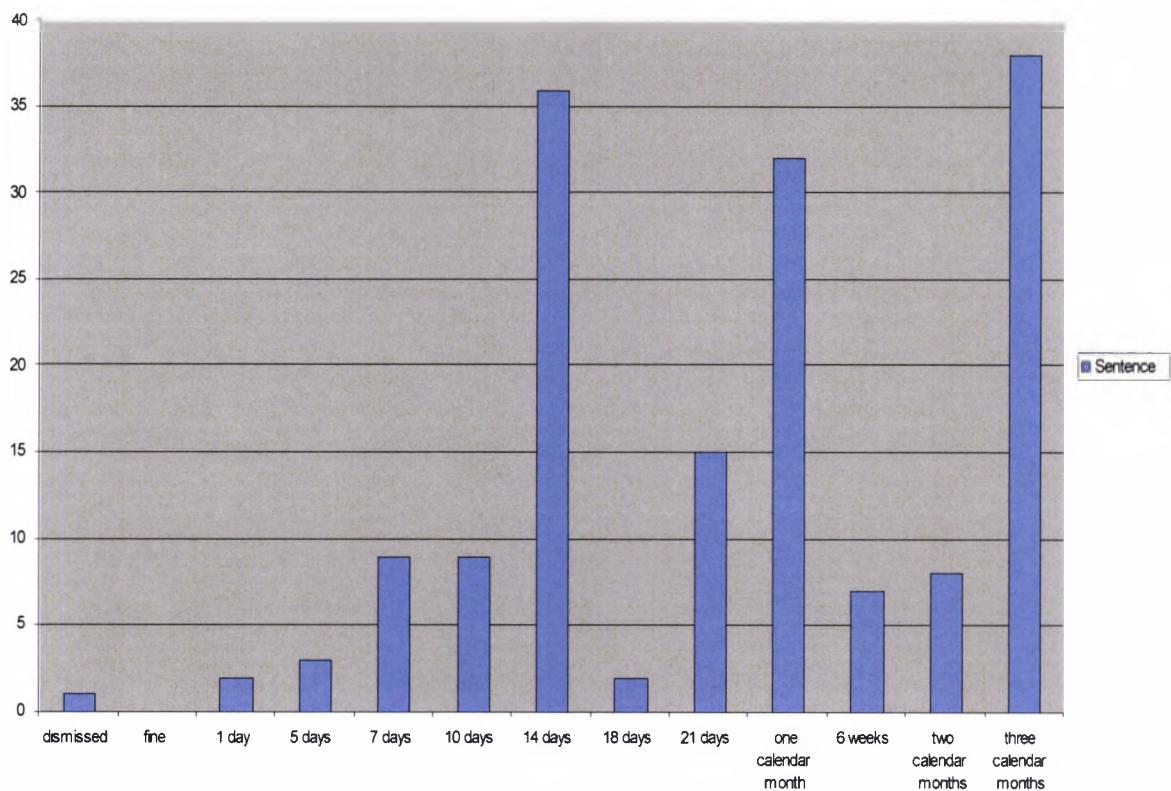
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<sup>142</sup> CKS Sheerness Police Court Register, 23 June 1871.

<sup>143</sup> Ibid., August-December 1879.

<sup>144</sup> Ibid., 17 August 1869.

**Figure 3.7: Prosecution of Prostitutes, Sheerness: Vagrancy Act 1869-1879**



Source: CKS, Sheerness Police Court Records, 1869 - 1879

tone of voice' thus securing a conviction under the Vagrancy Act. This episode earned Sarah a sentence of fourteen days with hard labour.<sup>145</sup> Sarah's companion, Mary Ann Payne, arrested on a similar charge on the same day, was sentenced to twenty-one days with hard labour. The 1871 convictions of Fanny Pearce and Eliza Mudge were secured without even an allegation of riotous behaviour. They were each convicted of 'being a prostitute, wandering.'<sup>146</sup> In 1871 in Sheerness, a woman was prosecuted by local police on average once every three and a half weeks on the charge of 'wandering and behaving in a riotous manner, being a disorderly prostitute'. By 1878 the rate had risen to one every two-and-three-quarter weeks. In Maidstone fewer women were prosecuted on charges directly mentioning prostitution than in Gravesend or Sheerness, and when they were, penalties were less severe. Clare Lucas for example, was convicted as 'an idle and disorderly person' for an 'offence against the Vagrant Act (disorderly prostitute)' and sentenced to seven days with hard labour in December 1871, as were Jane Boorman and Matilda Mordant in July 1872.<sup>147</sup> On passing sentence in the latter case, the chairman of the bench said he hoped 'they would be careful in future.' He trusted 'this would be a warning to their unfortunate class, for if any more came there the magistrates would go to the extent of the law, and they would be more severely dealt with', suggesting that he was consciously not inflicting the maximum sentence.<sup>148</sup> There is evidence that some charges against women under the Vagrancy Act for being disorderly prostitutes were dismissed altogether in Maidstone such as those against Leonora Lucas and Catherine Collings. However, known prostitutes were penalised heavily for a range of other public order offences, suggesting that Maidstone typifies what

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<sup>145</sup> CKS Sheerness Police Court Register, 27 May 1870.

<sup>146</sup> Ibid., 22 December 1870.

<sup>147</sup> CKS Maidstone Petty Sessions Records; 14 December 1871, 10 July, 20 July 1872.

<sup>148</sup> Ibid., 14 December 1871, 10 July 1872.

has been said relating to magistrates' use of a wide variety of offences to punish prostitutes.<sup>149</sup> Charlotte Smith was sentenced to fourteen days for using obscene language and fourteen days on another occasion for being drunk and disorderly.<sup>150</sup> Louisa Gardener was sentenced to two months in Maidstone for 'abusing a woman named Smith and using abusive language in the public streets' because she had previous convictions.<sup>151</sup>

In Chatham, according to Metropolitan Police figures, the scale of prostitution was much higher than in most other Kentish subjected districts.<sup>152</sup> This can be shown by expressing the number of prostitutes registered under the CD Acts in 1871 relative to the number of single and widowed women between the ages of fifteen and forty five as recorded by the census of the same year.<sup>153</sup> The resulting ratio for Chatham (including the neighbouring districts of Rochester and Strood) is 1:30. Comparable figures for Canterbury, Dover, Gravesend and Maidstone are 1:52, 1:54, 1:80 and 1:134.<sup>154</sup>

Thus, whilst the columns of the *Chatham News* contain repeated references to the arrests of prostitutes, the number of reported cases does not reflect the true scale of prostitution suggesting that the police there were successfully controlling only the most blatant breaches of the peace and repeat offenders against notions of public decency. Arrests of prostitutes in Chatham appear to have specifically

<sup>149</sup> Jones, *Crime, Protest, Community* p. 165

<sup>150</sup> CKS Maidstone Petty Sessions Records, 26 August 1873.

<sup>151</sup> *Maidstone Telegraph and West Kent Messenger*, 22 August 1863.

<sup>152</sup> Return of Statistics in possession of Metropolitan Police, showing Operation and Effects of Contagious Diseases Acts, to December 1872, *PP* 1873 (149) LIV; Annual Reports of the Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts, (hereafter Annual Reports of Assistant Commissioner) *PP* 1875 (97) LXI, *PP* 1876 (276) LXI, *PP* 1877 (255) LXIX, *PP* 1878 (96) LXIII, *PP* 1878-79 (235) LIX, *PP* 1880 (231) LIX, *PP* 1881 (140) LXXVI, *PP* 1882 (291) LIII.

<sup>153</sup> 1871 Census of England and Wales, Vol. III, *PP* 1873 (872) LXXI.

<sup>154</sup> Although the Metropolitan Police statistics are likely to have under-recorded the total numbers of women who were involved in prostitution, it seems reasonable to assume that they were under-recorded consistently from town to town and thus these ratios accurately reflect the relative prostitute populations of the different towns.

targeted those women found drunk or creating a public disturbance, which is possibly a reflection that, as has been seen, police manpower was insufficient to suppress soliciting that was carried on without much inconvenience to the general public. However drunken prostitutes, known offenders and those who were felt to be a public nuisance were routinely targeted and sentenced heavily. The notorious Eliza O'Malley was sentenced to one month with hard labour for being drunk and riotous, her appearance before the bench in June 1863 being her fiftieth, and having only been released from Maidstone the week before having completed a one-month sentence for the same offence.<sup>155</sup> Prosecutions against streetwalkers in Chatham were generally on charges of being drunk or riotous, which could carry high penalties, for example the one month with hard labour awarded each to Mary Macguire and Margaret Foley.<sup>156</sup> Caroline Pierce, arrested after being found by police 'behaving in a riotous and indecent manner' but not charged with drunkenness, was sentenced to twenty-one days with hard labour after the arresting constable 'informed the bench of the nature of the language used by the prisoner'.<sup>157</sup> Mary Scutts and Isabella Thompson were each sentenced to twenty-one days with hard labour in February 1865, Scutts for being drunk and indecent, and Thompson for being drunk and using foul language.<sup>158</sup>

In Dover, while general street disorder was policed in line with procedure elsewhere, it is clear that magistrates took a more lenient view of soliciting if it was practised without threat to public order. Whilst statistics demonstrate that arrests of prostitutes in Dover were consistently the second highest in the county after Gravesend, local press reports of police court proceedings indicate that few of these

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<sup>155</sup> *Chatham News*, 12 June 1863.

<sup>156</sup> *Ibid.*, 16 November, 14 December 1861.

<sup>157</sup> *Ibid.*, 15 March 1862.

<sup>158</sup> *Ibid.*, 11 February 1865.

arrests were solely for soliciting. Between fifty and sixty streetwalkers were frequently to be seen in Snargate Street for example, according to PS Geddes, but were arrested only if they were disorderly or became abusive to the police.<sup>159</sup> Clearly there was considerable variation from town to town as to magistrates' sentencing policies.

There is evidence to suggest that known prostitutes were punished more severely than other offenders prosecuted for the same transgression, indicating that the judiciary was making use of a wide range of street nuisance offences, over and above those directly related to prostitution, to curtail the activities of streetwalkers. This is particularly the case with charges of drunkenness. The case of Julia Swift, and Sophia Winn, arrested together for being drunk and disorderly, is one among many that illustrates this effect. Swift, described as an unfortunate, was sentenced to twenty-one days with hard labour, whereas Winn, whose occupation was not mentioned, was fined five shillings.<sup>160</sup> When John Hayes and notorious prostitute Eliza O'Malley were prosecuted together in Chatham for being drunk and disorderly, Hayes was discharged on promising not to offend again, whilst O'Malley was sentenced to two months.<sup>161</sup> Likewise in December 1861 Chatham magistrates heard two unconnected cases of drunkenness on the same day. Elizabeth Brown, named in court as a 'common prostitute', was sentenced to fourteen days with hard labour, whilst an un-named 'young man from the country' who had been found drunk and incapable, was discharged.<sup>162</sup> Other examples include Ellen Bryant and Elizabeth Carrish, both described as prostitutes, who were convicted of being drunk

<sup>159</sup> *Dover Express and East Kent Intelligence*, 14 November 1863.

<sup>160</sup> *Gravesend and Dartford Reporter*, 20 June 1867.

<sup>161</sup> *Chatham News*, 19 January 1867.

<sup>162</sup> *Ibid.*, 7 December 1861.

and disorderly and sentenced to seven days and fourteen days respectively. The following week Ellen Brown, a hawker, was discharged from a similar offence.<sup>163</sup> The Kentish findings coincide with evidence from elsewhere in the country. As a point of comparison, Chilman found that in Hull in the early nineteenth century prostitutes were brought before the courts on a variety of charges such as being drunk and disorderly, fighting, and shouting obscenities to get around the fact that prostitution was not a legal offence. 'Crimes connected with prostitution were one of the largest categories of female offence and the stigma of being a "fallen woman" meant harsher sentencing by the magistrates', according to Chilman.<sup>164</sup> Taylor similarly cites the Middlesbrough case of prostitute Mary Ann Brownless who was convicted of disorderly behaviour with a man called Joseph Brierly, after they were found lying together on a footpath at two o'clock in the morning. Brierly was fined ten shillings whilst Brownless was imprisoned for fourteen days.<sup>165</sup>

Magistrates in some locations appear to have taken every opportunity to impose punishment on prostitutes. Mary Jane Harriet Brown for example was charged in Gravesend in 1863 with stealing a purse of money from a would-be client who had agreed to 'go for a walk' with her. There was insufficient evidence to prove the theft charge and so the case was dismissed, but Mary Jane was convicted instead as a prostitute and sentenced to one month's imprisonment.<sup>166</sup> Young prostitutes Martha Bereman and Rose Jackson appear to have been particularly unfortunate after they had picked some sprigs of lavender that were trailing over the wall of the grounds of Trinity Church in Gravesend. They were convicted on

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<sup>163</sup> Ibid., 12 July, 19 July 1862.

<sup>164</sup> Chilman, 'Fallen Women and the Law', p. 2, [accessed 18 July 2008].

<sup>165</sup> Taylor, *Policing the Victorian Town*, p. 73.

<sup>166</sup> *Gravesend and Dartford Reporter*, 20 June 1863.

charges of ‘wilfully destroying shrubs’, and sentenced to fourteen days imprisonment each.<sup>167</sup>

Impertinence in the courtroom earned prostitutes severe punishment, reflecting dominant attitudes and expectations about public female behaviour. Emma Jones was brought before Gravesend magistrates for being drunk and riotous in Hole-in Wall Alley, and the arresting officer, PC Bagshaw deposed that he knew her to be a prostitute. Emma denied this, saying that she was living with a young man, at which point Superintendent White produced a list of previous convictions for prostitution, the most recent of which had incurred a six-week stay at Maidstone gaol. Emma was therefore sentenced to two months ‘as a disorderly prostitute’. As she was being taken from the courtroom, Emma used threatening language to PC Bagshaw, upon which she was immediately brought back before the bench and her sentence increased to three months. Ada Cooper, also of Gravesend, on being sentenced to one month with hard labour for being drunk and disorderly, using obscene language and resisting police, retorted ‘Pooh! What do I care?’ upon which she was given another fourteen days for contempt of court.<sup>168</sup>

Sentences escalated in line with the number of previous convictions and repeat offenders were liable to increasingly severe sentences. Hetty Nash of Sheerness was charged with being riotous and being a prostitute in February 1877 only six months after having served twenty-one days, and was sentenced to three calendar months having pleaded guilty on both occasions.<sup>169</sup> Elizabeth Tremain of Sheerness was arrested for being a riotous prostitute three times between January 1876 and May 1877; she received escalating sentences of fourteen days, six weeks

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<sup>167</sup> Ibid., 16 April 1859.

<sup>168</sup> Ibid., 21 May 1881.

<sup>169</sup> CKS Sheerness Police Court Register, 21 August 1876, 5 February 1877.

and two calendar months. Maria Gales appeared before magistrates in April, June and September 1872 in Sheerness on charges of 'wandering, being a riotous prostitute' and was sentenced to twenty-one days, one month and three months respectively. Maria therefore spent a total of twenty weeks out of the fifty-two that year in Maidstone Gaol. Emily Huntley spent a total of fifteen months there in the fifty month period between 30 November 1874 and 3 February 1879 on seven separate charges relating to prostitution.<sup>170</sup>

Clearly magistrates and police alike became very frustrated by the frequent re-appearance of the same women at the courts, supporting Jones' observation that 'the morality of their trade concerned the police less than the problem of order in the streets'.<sup>171</sup> There is more than a trace of frustration in PC Robert Flinn's remark to the bench that 'this sort of nuisance is becoming intolerable' at the hearing of the case against Elizabeth Spauls for disorderly conduct, and in the chairman's remark to Catherine Gladwell when sentencing her to one month's hard labour; 'I don't know what to do with you'.<sup>172</sup>

In summary therefore, at one level and in some locations it may be true that the police 'entered into some accommodation with streetwalkers', permitting them to ply their trade as long as they were not public nuisances as Walkowitz has suggested.<sup>173</sup> However, it is important to look closely at the type of behaviour that was defined as a public nuisance. For many prostitutes in the ports, garrisons and dockyards of Kent it seems to have consisted of 'wandering up and down', 'being in the street day and night' or even standing for too long on the pavement. A wide range of public nuisance offences was successfully used to get round that fact that

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<sup>170</sup> Ibid., 30 April, 7 June, 3 September 1872.

<sup>171</sup> Jones, *Crime, Protest, Community*, p.130.

<sup>172</sup> *Gravesend and Dartford Reporter*, 25 April 1874; 16 March 1872.

<sup>173</sup> Walkowitz, *Prostitution and Victorian Society*, p. 154-5.

prostitution was not, in itself, against the law. Charges of 'riotous' and 'disorderly' behaviour were brought against prostitutes for a range of behaviour that contravened notions of public decency, enabling them to be convicted under statutes that carried heavy penalties.

### **Policing Houses of Ill-Fame**

As stated previously, running a house of ill-fame was illegal whereas prostitution was not. In addition to bringing charges against prostitutes for soliciting and for offences under public order instruments therefore, it was also possible to suppress prostitution by the prosecution of brothel keepers and of the keepers of pubs, coffee houses and refreshment houses used by prostitutes when disorder threatened to spill on to the streets, or in response to complaints by the public. Action was frequently taken in Kent to supplement the 'street cleaning' approach to the control of prostitution, by moving the focus of control from the streets indoors.

The term 'brothel' was loosely applied to an address where sexual activity in exchange for money took place, irrespective of whether the prostitute actually lived on the premises or merely took clients there, or whether or not the brothel keeper was directly involved in the monetary transaction. Petty Sessions records and press reports relating to the prosecution of Kentish brothel keepers suggest that these cases predominantly involved lower-class establishments. It is not clear whether this was because these were more vulnerable to police surveillance, whether up-market brothels were tolerated by the police and judiciary, or whether the latter were merely fewer in number. Charlotte Tyler for example, who lived in Pump Alley, Gravesend, was the widow of an ostler and mother of six children, and was first prosecuted for brothel keeping in 1862 at the age of forty-four, the year following her husband's death. She

was convicted again the following year for the same offence at an unnamed address for which she served a custodial sentence.<sup>174</sup> Undeterred, Tyler moved address and was again prosecuted for running a disorderly house in 1867. Three years afterwards she faced another charge of keeping a disorderly house in Pump Alley, after which she moved the very short distance to Church Street where she established herself again very quickly since she was prosecuted again within the month. On this occasion she was required to find sureties of forty pounds for herself and two others of twenty pounds, and given the sums of money involved it may be reasonably supposed that she served the three month default custodial sentence in Maidstone gaol instead. Ten months afterwards, by now having moved to Ifield Street and having assumed the name of Baker, which suggests that she was no longer a single woman, Charlotte was prosecuted once more for keeping a disorderly house.<sup>175</sup>

The prosecution of three Gravesend residents for running brothels within a three week period in 1870 suggests that periodic crackdowns took place. The penalty in these cases was to be bound over to keep the peace on payment of 'sureties' paid by the defendant and two others. John Mazar failed to find sureties of twenty pounds for himself and two others of ten pounds each in such a case, and was imprisoned for three months. He was brought before the bench again eighteen months later charged with the same offence, clearly not having been deterred by his stay in Maidstone Gaol.<sup>176</sup> Magistrates' powers extended further than the imposition of fines or custodial sentences. When Sarah Goodger was convicted of keeping a

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<sup>174</sup> *Gravesend and Dartford Reporter*, 19 December 1857, 16 January 1858.

<sup>175</sup> *Ibid.*, 18 May 1867, 3 May 1862, 11 July 1863, 13 August 1870, 3 June 1871; 1851 Census, (1608, 213:23); 1861 Census, (471, 128:35).

<sup>176</sup> *Gravesend and Dartford Reporter*, 10 February 1872.

disorderly house in John's Place Gravesend, it was decided by the bench that her landlord should be instructed to cease her tenancy of the property.

A range of legislation provided for the regulation of prostitutes on licensed premises and other places of refreshment. The 1847 Town Police Clauses Act provided for a fine of up to five pounds for the keeper of any refreshment house who 'knowingly suffers common Prostitutes or reputed thieves to assemble and continue in his Premises'.<sup>177</sup> Licensing laws forbade permitting prostitutes to remain on licensed premises for longer than was necessary to take refreshment. The 1872 Licensing Act provided for a fine not exceeding twenty pounds and the loss of license for 'any licensed person convicted of permitting his premises to be a brothel'.<sup>178</sup> The wording of the statute put the onus on the police to prove that that the landlord 'knowingly harboured' prostitutes but there appears to have been some variation between local authorities in the application of the law in this regard.<sup>179</sup> In Dover it was common practice for magistrates to be provided with proof that police officers had previously informed the landlord that women on his or her premises were prostitutes. Practice there appears to have been that the constable would then return to the premises several hours after having given the warning and if the women remained, the case could then be proved that the prostitutes were 'knowingly harboured'.<sup>180</sup> In an 1859 case, PS Scutt was admonished by the Watch Committee after an incident in which he had prosecuted the keeper of a public house for

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<sup>177</sup> Town Police Clauses Act 1847, Clause XXXV.

<sup>178</sup> Licensing Act, 1872 (35 & 36 Vict.) CAP. 94, (hereafter 1872 Licensing Act), Clause 15.

<sup>179</sup> 'If any licensed person knowingly permits his premises to be the habitual resort of or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall, if he allow them to remain longer than is necessary for the purpose of obtaining reasonable refreshment, be liable to a penalty for the first offence ten pounds', 1872 Licensing Act, Clause XIV.

<sup>180</sup> *Dover Express and East Kent Intelligence*, 13 August 1859.

harbouring prostitutes without firstly having warned the defendant that the women were, in fact prostitutes, thus jeopardising the prosecution case.<sup>181</sup>

In Crayford, beer-house keeper William Sandison was fined five pounds for allowing prostitutes to assemble in his house and allowing disorderly behaviour there. When challenged in court, the prosecuting Police Inspector and Sergeant said that it was the assembly of prostitutes in particular that had been the cause of complaints.<sup>182</sup> Maidstone eating-house keeper George Ripley was similarly prosecuted for allowing prostitutes and drunken persons to assemble at his house in January 1876. This case is interesting in what it reveals about police powers in respect of the regulation of licensed premises. Police Sergeant William Waghorne told the court that he was instructed to enter disorderly premises only in response to specific complaints, but that if the disorder spilled onto the street, as was the case on this occasion, the police had powers of arrest.<sup>183</sup>

In the case against Ripley in Maidstone, the defendant's lawyer argued that it could not be proved that the proprietor knew that women were prostitutes and knowingly allowed them to remain on the premises, or that the premises were 'the habitual resort of prostitutes.' The case was accordingly dismissed. Elsewhere, it appears that convictions were successfully made on the basis that police officers testified to women being prostitutes. Gravesend licensees were fined between ten shillings and two pounds plus costs for this offence, and fines escalated sharply for a repeat offence. Thomas Treherne of the Royal Sovereign was fined ten pounds plus costs for a subsequent offence. In Sheerness, Thomas Pell of the Swan, Richard Spencliff of the Anchor and Hope and William Goatham of the Lord Nelson and

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<sup>181</sup> SEK Dover Petty Sessions Court Register, 9 August 1859.

<sup>182</sup> *Dartford Chronicle*, 3 September 1870.

<sup>183</sup> *Maidstone Telegraph and West Kent Messenger*, 22 January 1876.

Isaac Mason Coody of the Mitre were all fined between five and ten pounds plus costs for similar offences.<sup>184</sup> The evidence that emerged during the hearing of a case against the keepers of the Princess Royal public house in Chatham for harbouring prostitutes was such that they were subsequently charged with the more serious offence of running a house of ill-fame. This case was considered sufficiently serious to be referred to quarter sessions.<sup>185</sup>

The ultimate penalty against landlords was to be refused renewal of their licence. Mr. Mitchell of the Admiral Duncan in Gravesend was warned that his house would be closely observed in the future, because 'young lads and prostitutes met there for dancing', and the renewal of the license of Jacob Beard of the India Arms was postponed following two such convictions. When John Davis applied to magistrates to re-open the Black Horse Inn in the High Street he was reminded that the license had previously been removed because of 'alleged immoralities' there and he assured the bench that he would conduct business in a respectable manner in the future. Within three months however, trouble had arisen again after a fight broke out and Police Sergeant John Jayne testified to seeing seventeen prostitutes leave the house, and a 'very respectable person' had informed the bench that a young girl of fourteen years of age was 'harboured' there. Davis was found guilty and fined twenty shillings.<sup>186</sup> Maidstone magistrates fined publican William Town twenty shillings plus seventeen shillings costs because prostitutes were known to have attended a Boxing Night party at his premises, even though Town himself had not been present. During the case against Edward Russell, keeper of the Swan Inn in

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<sup>184</sup> *Gravesend and Dartford Reporter*, 28 January 1865, CKS Sheerness Police Court Register, 13 December 1872, 31 December 1874.

<sup>185</sup> *Chatham News*, 23 March 1861.

<sup>186</sup> *Gravesend and Dartford Reporter*, 28 March 1868.

Gravesend, it was alleged that several neighbours had complained of the disorderly conduct of the house, which was the habitual rendezvous of prostitutes, by sending notes to the police.<sup>187</sup>

Clearly, the indirect suppression of prostitution as described here, that restricted women's ability to use licensed and other premises for meeting clients and practising their trade, was not experienced by prostitutes as punitive to themselves in the same way as the repeated custodial sentences for streetwalking described previously. Nevertheless, these measures served to force prostitution back onto the streets where the police had greater powers of arrest.

## Punishment

As the foregoing discussion has demonstrated, for many of the street prostitutes identified by this study custodial sentences appear to have been a routine and integral part of a life on the streets quite irrespective of the CD Acts. This was also the case for the many other members of the casual poor who, as has been seen, were regularly arrested on a variety of street misdemeanour charges by local police. In the first instance and where appropriate, perpetrators of minor public nuisance offences such as causing an obstruction appear to have been requested to move along, such that Storch has referred to the strategy as the 'move-on system'.<sup>188</sup> If they refused or were abusive to the constable, or as in the case of many drunks they were incapable of moving on, offenders were arrested. Defendants were detained in police cells before being brought before one or more local magistrates in Petty

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<sup>187</sup> *Ibid.*, 2 August 1879.

<sup>188</sup> Storch, 'Policeman as Domestic Missionary', p. 482.

Sessions and tried summarily without a jury. Nationally, prostitutes represented 13.3% of all female offenders dealt with summarily in 1857.<sup>189</sup>

In Gravesend after 1850, prisoners were accommodated in new police cells measuring eight feet by nine feet by nine feet high, and were kept to rations of a pint of coffee and two ounces of cheese twice a day and a pound of bread three times a day.<sup>190</sup> The cells had the advantage of a water closet but there was a persistent problem with vermin eating the straw mattress stuffing thus leaving only hard boards on which to sleep.<sup>191</sup> In Sheerness it was not until 1866 that accommodation for prisoners was improved, when four large, airy, well-lighted cells heated with hot water pipes were provided.<sup>192</sup> Chatham prisoners, before the 1867 Chatham and Sheerness Stipendiary Magistrates Act provided for magistrates to sit in the town, were 'conveyed' through the streets to the Magistrates Court at Rochester. It was evidently customary for a mob to gather around the police station to witness this spectacle. In May 1863 for example, the local press reported that a 'mob of fifty boys and girls collected round the police station to see the prisoners conveyed away'.<sup>193</sup>

Open to the public, Petty Sessions allowed for the accused to enter a plea and to produce witnesses. The magistrate then pronounced verdict and sentence, which with rare exceptions for summary offences was a maximum of three months. Summary justice was extended over the course of the nineteenth century and over half of the crimes subject to summary jurisdiction carried no right of appeal.<sup>194</sup> This category of prisoner was sent to a local prison, which in the case of Kent was one of

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<sup>189</sup> Zedner, *Women, Crime and Custody*, p. 306.

<sup>190</sup> M.J. Phillips, *The Development of the Police Force in Gravesend 1816-1866*, p. 40.

<sup>191</sup> *Gravesend and Dartford Reporter*, 30 December 1865.

<sup>192</sup> *Sheerness Guardian*, 31 March 1866.

<sup>193</sup> *Chatham News*, 16 May 1863.

<sup>194</sup> Conley, *The Unwritten Law*, p. 275

the two County Gaols, Maidstone and St. Augustine's at Canterbury, of which only Maidstone admitted women prisoners.

Local prisons came under the jurisdiction of local magistrates and were managed by boards of visiting justices, and thus their regime, size and standards of accommodation varied according to local conditions and the attitudes of the local magistracy. As Lucia Zedner has observed: 'The fact that most local prisoners were sentenced to extremely short terms made any effort to launch programmes of moral reform extremely problematic...the most such sentences could hope to achieve was to punish and deter through the severity of their regime.'<sup>195</sup> Maidstone was the older of the two Kentish county gaols having been built in 1819, and could accommodate some 450 inmates of whom, during the 1870s, an average of ninety to ninety-five were women. Nearly half of these were prostitutes.<sup>196</sup> On the completion of the building of Maidstone gaol, the remaining prisons and houses of correction in west Kent were then closed. By the 1860s there were concerns about the conditions and the restricted diet to which the prisoners were kept. Doctors believed that the inmates were insufficiently fed for the scale of labour to which they were kept, with the result that 'weakness and hunger are very visible on all convicted prisoners.'<sup>197</sup> One prisoner lost thirty pounds in weight during a nine-day stay. According to Zedner women were more likely than men to suffer stoppage of diet or to be sent to solitary confinement or the dark cells.<sup>198</sup> The regime at Maidstone was based on the principle of physical isolation; communication between prisoners was forbidden and the rules stipulated that a female prisoner 'when out of her cell shall not approach

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<sup>195</sup> Zedner, *Women, Crime and Custody*, p. 133

<sup>196</sup> 1871 Royal Commission, p. xliv.

<sup>197</sup> *Gravesend and Dartford Reporter*, 27 April 1867.

<sup>198</sup> Zedner, *Women, Crime and Custody*, p. 169.

within five paces of any other prisoner'.<sup>199</sup> Locked into unheated and unventilated cells at six each evening, the female prisoners had lights turned out at eight o'clock. Cells were unlocked again at six the following morning before the first session of hard labour that lasted until breakfast at eight. By the 1860s women prisoners kept to hard labour were no longer put on the treadwheel as were their male counterparts, but were employed in laundry work and scrubbing and cleaning the prison for a daily total of ten hours (See Table 3.1).

Convict prisons that housed more serious offenders were, according to Conley, 'perceived as far more humane than the county gaols'.<sup>200</sup> Indeed, one judge refused to sentence anyone to longer than eighteen months in a county gaol because he believed it would not be possible to survive a longer term.<sup>201</sup> This was the regime experienced by all those who served custodial sentences for the range of street disorder offences that have been discussed thus far, and by all the prostitutes charged by local police and convicted of a variety of misdemeanours including soliciting, obstructing the footpath, using bad language and of being drunk or riotous. These prosecutions were brought and these sentences imposed and served exclusive of the CD legislation. There is evidence to suggest that despite the harshness of the prison regime, some prostitutes, like other members of the casual poor, not only became hardened to it but used it as part of the 'economies of makeshift' discussed in the previous chapter. Indeed, according to Zedner 'the condition of the very poor was so low as to endow the meanest prison regime with material advantages. Far from being deterred from crime many women deliberately

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<sup>199</sup> CKS, *Rules made by the Visiting Justices for the County Prison* (Maidstone: 1866) p. 65.

<sup>200</sup> Conley, *The Unwritten Law*, p. 142.

<sup>201</sup> *Ibid.*, p. 142.

**Table 3.1: Maidstone Gaol: Hard Labour Regime for Female Prisoners, 1866**

		Total labour hours
6am	cells unlocked	
6.30am	labour	1.5
8am	breakfast	
8.30am	prayers and divine service	
9.30am	labour	2.5
12pm	dinner	
1pm	labour	5
6pm	supper	
6.30pm	labour	1
7.30pm	cells	
8pm	lights out	
		<hr/> 10

Source: *Rules made by the Visiting Justices for the County Prison* (Maidstone: County Prison, 1866)

sought access to their local prison as a welfare agency, preferable even to the workhouse'.<sup>202</sup> Evidently this was the case with Ellen Higgens, a Gravesend woman who was arrested for breaking a pane of glass. She said in her defence that she did it so that she might be 'taken up', as she was destitute.<sup>203</sup> Kate Vance of Dover clearly operated a similar negotiation strategy as well as having a detailed knowledge of the system. On being sentenced to ten days' imprisonment for a 'drunk and disorderly' offence, eighty-two year old Kate asked the bench if she might have one month instead, because the food allowance was greater for tariffs of one month or longer.<sup>204</sup>

Certainly many of the Kentish streetwalkers identified by this study appear to have accepted sentences of imprisonment with indifference, if not outright defiance. Sarah London, aged only eighteen, was unusual in having 'strong hysterics' as she was removed from before the bench. Sarah Stapel and Isabella Thompson were more typical. Sentenced to one month with hard labour on a charge of being drunk and crying out 'murder' and clinging to a soldier at the top of Harmer Street, Sarah 'impudently thanked their worships'. Isabella, sentenced to twenty-one days with hard labour for being drunk and using foul and disgusting language, responded that she 'could very easily do that'.<sup>205</sup> In a similar vein, Martha Dell, on being sentenced to six weeks with hard labour for being on the street for the purposes of prostitution, and then being abusive to the arresting constable, and then being 'abusive and impertinent to the bench', retorted that she would 'serve it like a brick'.<sup>206</sup> Mary Ann Simpson, on being sentenced to twenty-eight days with hard labour for causing

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<sup>202</sup> Zedner, *Women, Crime and Custody*, p. 171.

<sup>203</sup> *Gravesend and Dartford Reporter*, 2 April 1859.

<sup>204</sup> *Dover Express and East Kent Intelligence*, 27 December 1862.

<sup>205</sup> *Gravesend and Dartford Reporter*, 21 June, 20 September 1856; *Chatham News*, 11 February 1865.

<sup>206</sup> *Gravesend and Dartford Reporter*, 21 July 1866.

an obstruction, observed that she did not know how many times she had been in Maidstone gaol.<sup>207</sup>

Numerous instances of repeat offenders in Kent being arrested again immediately upon release from gaol are to be found in the documentary evidence. When sisters Hannah and Mary Ann Simpson were arrested for being drunk, 'being prostitutes' and causing a disturbance in the early hours of the morning, it emerged that they had only returned from Maidstone the previous week. They were sent back for one month with hard labour. It would appear to be true of the streetwalkers of Kent that, as Taylor has observed: 'It is a measure of the harshness of life for many working-class women that prison was seen as preferable to life outside.'<sup>208</sup>

## Conclusion

These findings suggest that the control of prostitution by local police forces forms part of a wider narrative of the regulation of the casual poor, which was enforced more rigorously in line with the establishment of the 'new' police from the second quarter of the nineteenth century onwards. Furthermore, this chapter has demonstrated that the thesis of a policy of lax policing of prostitution outside of the CD Acts is in need of some revision. The evidence from Kent suggests a much more complex situation than has hitherto been acknowledged, with a considerable degree of variation between locations and over time. This variation was influenced by a combination of factors that included the local police force, systems of local governance and the inclination of the local judiciary. However, in a considerable

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<sup>207</sup> Ibid., 9 April 1870.

<sup>208</sup> Taylor, *Crime, Policing and Punishment*, p. 160.

number of locations streetwalkers were liable to frequent and repeated arrest by local police forces and to imprisonment for offences under a broad range of legislation. Numbers of prosecutions of prostitutes by local police were consistently much higher in most Kentish locations than by the Metropolitan Police under the CD Acts. Considered in this context, the additional relative impact of the CD Acts appears less draconian than has usually been alleged, a hypothesis that will be pursued in greater detail in Chapter 5 of this study. Before doing so, the focus of this discussion turns firstly to a detailed street-level examination of the practice and regulation of prostitution in one Kentish garrison town, namely Gravesend. The chosen methodology, a small-scale case study, allows the spatial relationships between prostitutes and the members of the local police force to be investigated in the context of their local communities, and introduces the theme of identity into the discussion.

## 4: The Geography of Prostitution: A Case Study of Gravesend

...a police officer has only to swear that he suspects a woman, then arrest will follow; she has no jury to appeal to; she is registered, and becomes subject to the “ever-recurring degradation of medical inspection”. The danger is common to all women living in the districts to which the Act applies; and it applies to Gravesend, and no-one will be sure that his wife and daughters may not become the victims of some suspicious officer.<sup>1</sup>

This dire warning was issued by the *Gravesend and Dartford Reporter* to its readership in January 1870 to mark the commencement of local operations under the CD Acts. Its rhetorical appeal to patriarchal anxiety was a familiar thread running through the wider repeal discourse, emphasising the alleged ease with which ‘respectable’ and ‘virtuous’ women might be mistaken for streetwalkers by the CD Acts police, and thus be erroneously brought under the Acts’ medical and custodial regime. The supposed threat posed to all women in public by the legislation formed part of the abolitionist platform and permeated repeal literature. As early as 1863 Florence Nightingale had claimed that ‘Any honest girl might be locked up all night by mistake by it’ and Harriet Martineau, writing in the pro- repeal *Daily News* under the pseudonym ‘An Englishwoman’, argued similarly that ‘A woman, chaste or unchaste, is charged by a policeman, rightly or wrongly, with being a prostitute. The law makes no distinctions of degree or kinds...’<sup>2</sup>

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<sup>1</sup> *Gravesend and Dartford Reporter*, 29 January 1870.

<sup>2</sup> Quoted in McHugh, *Prostitution and Victorian Social Reform*, p. 36; *Daily News*, 29 December 1869, p. 3.

The famous 'Ladies' Appeal and Protest', also published in the *Daily News* in 1869 claimed that:

The law is ostensibly framed for a certain class of women, but in order to reach these, all women residing within the districts where it is in force are brought under the provisions of the Acts. Any woman can be dragged into court and required to prove that she is not a common prostitute.<sup>3</sup>

Indeed, as some historians have observed, the fate of admitted prostitutes was all too often obscured in the repeal discourse by 'the weight of indignation' provoked by cases of mistaken identity.<sup>4</sup> This line of attack, according to Paul McHugh, had the advantage that it avoided the necessity of defending prostitution or justifying the prostitute's role since 'no hint of condoning sin or sympathising with the women could be allowed'.<sup>5</sup>

The scholarship of historians who have explored women's participation in the nineteenth century contest for public space helps shed valuable light on the question of mistaken identity and this has significant implications for discussions of the CD Acts. This literature explores the difficulties encountered by middle-class women, who took increasingly to the streets for recreation and shopping over the course of the later nineteenth century, who were faced with the challenge of distinguishing themselves from other classes of woman commonly found there, in particular the streetwalker.<sup>6</sup> Croll, Gunn and Ryan have all noted the paradoxical association of the streets simultaneously with danger and with morality, and have investigated the strategies adopted by middle-class women to 'signal distinction, respectability and authority in an

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<sup>3</sup> *Daily News*, 29 December 1869, p. 3.

<sup>4</sup> Cheney, *Hateful Ordeal at Seven Star Street*, p. 18; B.O. Taithe, *From Danger to Scandal. Debating Sexuality in Victorian England: the Contagious Diseases Acts and the Morbid Imagery of Victorian Society* (University of Manchester, PhD Thesis, 1991), p. 169.

<sup>5</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 144.

<sup>6</sup> Gunn, *Public Culture*, p.67.

anonymous social context.<sup>7</sup> Ryan concludes that 'the provision of public space for women was a major civic project during the latter half of the nineteenth century.'<sup>8</sup> A range of mechanisms of surveillance and regulation was brought to bear upon all groups, and strategies were developed both by and on behalf of women, to preserve a public display of respectable feminine conduct. Those who flouted the conventions of acceptable behaviour, for example the street prostitute, were heavily penalised.

This local study investigates the practice and regulation of street prostitution at ground level in Gravesend during the 1860s and 1870s. It explores the spatial relationships between prostitutes, brothel keepers and the agents of regulation and control, questioning in particular the likelihood of women in public being mistaken for prostitutes by the police. Using a methodology that combines mapping exercises with residential analysis, the discussion investigates the use and regulation of urban space in relation to what has been described as the 'civic project', that is, the momentum to 'order, civilize and rationalize the urban experience'.<sup>9</sup> This approach enables questions of mistaken identity to be interrogated quite literally from street level upwards, a perspective that is often lost when the CD legislation is taken as a starting point. Gravesend makes an interesting and worthwhile case for study because it has not, for a number of reasons, previously attracted scholars' interest. In terms of numbers of prostitutes and numbers of resident military (and therefore the scale of prostitution) Gravesend was one of the smaller subjected districts. It was part of the third and final wave of towns made subject to the legislation under the final, 1869 act of amendment. As one of the smaller subjected districts witnesses from Gravesend were not invited to give evidence to any of the parliamentary select committees or to the Royal

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<sup>7</sup> Gunn, *Public Culture*, p. 66.

<sup>8</sup> Ryan, *Women in Public*, p. 78.

<sup>9</sup> Croll, *Civilizing the Urban*, p. 3.

Commission that investigated the workings of the legislation. A small number of larger subjected districts such as Southampton, Plymouth, Portsmouth and Aldershot attracted considerably more contemporary attention, and consequently their circumstances have dominated the historiography. Yet a consistently higher number of prostitutes were prosecuted under local policing in Gravesend than in any other borough in Kent over a seventeen year period.<sup>10</sup> For this combination of reasons a study of Gravesend makes a worthwhile and profitable contribution to the scholarship in the field.

Street prostitution is by definition a feature of the urban environment. It was articulated by nineteenth-century commentators specifically as a symptom of urbanisation, and by local officialdom specifically as a *local* urban problem in need of a solution. Whilst the eighteenth century literature on prostitution, as Jennie Batchelor has demonstrated, had emphasised its moral and social hygiene aspects, the question of contested public space was a specific feature of nineteenth-century discourse.<sup>11</sup> The articulation of a growing fear of the threat of street nuisance, of which street prostitution constituted a significant element, coincided with the period of major population growth in the first half of the nineteenth century. Contemporary commentators such as Greg and Acton emphasised the link between prostitution and the crowded urban environment. It was, according to the former: 'an evil inseparable from the agglomeration of large numbers in one locality'.<sup>12</sup> It was the very visibility and public nature of nineteenth-century streetwalking that made it the focus of official and public concern, an effect described by Gunn as 'the perception of immorality on show'.<sup>13</sup> The evidence from Gravesend suggests that at a local level prostitution in itself was largely

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<sup>10</sup> Judicial Statistics 1862-1878.

<sup>11</sup> Jennie Batchelor, 'Industry in Distress: Reconfiguring Femininity and Labor in the Magdalén House', *Eighteenth Century Life* 28 (2004), 1-20.

<sup>12</sup> Greg, 'Prostitution', *Westminster Review*, July 1850, pp. 238-268.

<sup>13</sup> Gunn, *Public Culture*, p. 63.

tolerated as a regrettable inevitability, but that its visibility and alleged threat to public decency was deemed to be an acute nuisance to be tightly controlled at worst, and preferably banished beyond the town's boundaries. Gravesend magistrates appear to have been exceptionally zealous in their attempts to rid the streets of streetwalkers. Henry Ditchburn, alderman and magistrate, for example, said in 1856 that he and his colleagues were determined to completely rid the town of prostitutes as they 'were trying to redeem the character of the town, so that respectable persons should not be annoyed'.<sup>14</sup> For Ditchburn therefore it was the public manifestation of prostitution as a feature of the townscape that constituted a problem in need of a remedy, and this was a key factor in the high level of prosecutions of prostitutes.

The articulation of a perceived threat to society posed by street prostitution constitutes one facet of a wider expression of fears about the impact of urbanisation. As Taylor has observed, towns were associated with threats to public order. To many respectable men and women, not just of the middle classes, they were 'physical and moral sewers' from which emanated threats to the well being of the nation.<sup>15</sup> Urban centres represented a threat to the social order and to traditional class relations, a threat that Nead has described as a fear of: 'crowds of homeless, hungry and displaced people... The public streets were the domain of the fallen, the promiscuous, the diseased and the immoral.'<sup>16</sup> As the following discussion will show, the question of residential segregation by class is a complex one in relation to nineteenth-century Gravesend and thus, it could be argued, the language of a differentiated moral and social order was applied more rigorously.

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<sup>14</sup> *Gravesend and Dartford Reporter*, 21 June 1856.

<sup>15</sup> David Taylor, *Policing the Victorian Town*, p. 3.

<sup>16</sup> Nead, *Myths of Sexuality*, p. 117.

## Urban Development

Gravesend was a river port and market town and its position on the Thames marked the boundary of the Port of London. This strategic location, twenty-four miles to the east of the city had been crucial to the town's original settlement. Gravesend's watermen had the sole right to passenger transport services by water to and from London, a monopoly that was confirmed over succeeding generations thus securing an ongoing livelihood for the town's inhabitants.<sup>17</sup> Until the early nineteenth century Gravesend remained a small town with a population of fewer than 5,000. In 1815 however, a regular steam packet service from London was established making the town a tourist destination and bringing 'undreamed of wealth and prosperity'.<sup>18</sup> Amenities and attractions were established for the entertainment of visitors including gardens, promenades, concerts, baths, mazes, eating houses, a theatre and the famous windmill. During 1840 over a million day-trippers landed by boat at Gravesend, the year that the town featured in the 'Directory of Watering Places', which claimed that 'in point of view, health and pleasure, Gravesend will yield to none'.<sup>19</sup> Two piers were built during the 1830s to facilitate the landing of this 'prodigious influx of visitors'.<sup>20</sup> The arrival of the railway in North West Kent in 1849 however enabled visitors and holidaymakers from London to travel further afield,

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<sup>17</sup> For the local history of Gravesend see Robert H. Hiscock, *A History of Gravesend* (London: Phillimore, 1976); 'The Growth of Gravesend', [www.gravesham.gov.uk/index](http://www.gravesham.gov.uk/index) [accessed 25 July 2008]; [www.hereshistorykent.org.uk](http://www.hereshistorykent.org.uk) [accessed 25 July 2008]; Alan Godfrey, essay accompanying 'Gravesend 1865, Kent Sheet 10.07', Old Ordnance Survey Maps (Consett: Alan Godfrey Maps, 2001).

<sup>18</sup> 'The Growth of Gravesend', [www.gravesham.gov.uk/index](http://www.gravesham.gov.uk/index), p. 3.

<sup>19</sup> Ibid.

<sup>20</sup> *Pigot's Directory of Kent 1840*, 'Gravesend', p.1  
<<http://www.janetandrichardsgenealogy.co.uk>> [accessed 25 July 2008].

most notably to the Kent coastal resorts, and Gravesend's tourist trade began to decline rapidly. The local press in 1860 lamented the 'falling-off of Gravesend as a place of resort for Londoners, who are now carried away to other localities by railway.'<sup>21</sup>

Aside from tourism, Gravesend was an important sea-going port. Vessels leaving London for overseas took on their final stores here and pilots and customs officials were taken on and set down. Gravesend's watermen, who served a seven year apprenticeship, in addition to their monopoly of the Long Ferry passenger services to London, also manned the cross ferry to Essex, and services downstream to locations in Kent. They also provided the means of disembarkation for passengers of larger ships before the opening of the Town Pier in 1834. The town's economy was therefore largely dependent on trades and activities associated with the river. In addition to passenger services and the supply of large ships, cod and turbot fishing was carried out, and shrimps were gathered from the adjacent sands.

Thus the urban development of Gravesend had, until the early part of the nineteenth-century been restricted to the area immediately surrounding the river frontage, landing places and town stairs. This district developed in response to the need for ships to be speedily provisioned and supplied, and to cater for the accommodation and refreshment of travellers. Inns and public houses were numerous. The 1871 census lists 852 people on board vessels moored off Gravesend, consisting of passengers waiting for a tide and crew awaiting full cargos. Market gardening produced fruit and vegetables, and a reputation was gained for asparagus for the London market.<sup>22</sup>

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<sup>21</sup> *Chatham News*, 12 May 1860.

<sup>22</sup> Alan Godfrey, *Essay accompanying Old Ordnance Survey Maps, Kent Sheet 10.07; Gravesend 1865*.

The period of Gravesend's success as a pleasure resort had witnessed significant business and building booms. Property speculators 'cast covetous eyes' around the town and new roads were cut, streets were widened and terraces of new houses built.<sup>23</sup> The arrival of the railway brought London commuters to live in the town, including businessmen who built comfortable villa residences. Bounded to the north by the river, the town expanded to the south, east and west to cater for the growing permanent population and for the large numbers of visitors. Land was sold for house building by the Darnley estate, and by the Southern Railway Company after completion of the railway. Later development extended southwards up Windmill Hill, nursery gardens being sold for housing in 1868, whilst to the east 'an important and improving freehold estate' was developed on the Milton Road.<sup>24</sup>

Population growth followed these developments, from 4,539 inhabitants in 1801 to 18,782 in 1861.<sup>25</sup> By this time however, the town's declining prosperity had led to the acquisition of a 'shabby air' according to one local historian. His description of Gravesend at this period, referring to the town's possible influence on the work of Charles Dickens, whose home during the 1860s was nearby at Gads Hill, provides a flavour of the town:

shrimp fishermen, old women who took in sewing, mud-larks, despairing emigrants, rollicking drunkards, seaside entertainers – with its narrow streets, dark jetties, nearby marshes, its constant conflict between seaside exuberance and nautical hardship.<sup>26</sup>

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<sup>23</sup> Hiscock, *History of Gravesend*, p. 104.

<sup>24</sup> Sales Particulars at or near Gravesend; 1839-1884 (Gravesend Public Library Local Studies Collection).

<sup>25</sup> Gravesend and Milton Registration District Population Statistics, p. 1 of 1, <http://visionofbritain.org.uk/data> [accessed 1 December 2006].

<sup>26</sup> Alan Godfrey, *Essay accompanying Old Ordnance Survey Maps, Kent Sheet 10.07; Gravesend 1865*.

By the period of this study therefore, Gravesend's heyday as a tourist destination was far behind it leaving a sense of faded grandeur. The local economy was dominated by the town's role as a working river port, and after 1863 the resident and transient populations were augmented by the presence of the military.

The Gravesend barracks were opened in 1863 and by the 1870s over five hundred soldiers and marines were accommodated there. Intended originally as temporary accommodation for soldiers undertaking musket training at the rifle range at the canal basin, the barracks were built to a high specification. Gravesend's prostitution trade predates the garrison however, as evidenced by press reports of Petty Sessions hearings in which the prosecution of prostitutes was a regular feature before the 1860s, and by the 1851 census which lists three female occupants of the same lodging house with the occupation 'streetwalker'. During 1870, 117 women were officially registered as prostitutes during the first year of operations under the Contagious Diseases Acts.<sup>27</sup>

This evidence leads to the conclusion that Gravesend's prostitution trade originated from its status as a major river port, and was further reinforced by the establishment of the garrison in the mid 1860s. This inference is supported by an investigation of the geography of prostitution within the town, which locates the majority of prostitution-related activity in two locations. The first of these was the area near the town's pre-modern settlement close to the riverside, an area of dense pedestrian traffic around the piers, landing places and numerous public houses. Here prostitutes, together with other members of the casual poor, competed for space with resident tradesmen and tradesmen's working class employees, middle class shoppers and administrative functions, including the police station. There was a high level of social

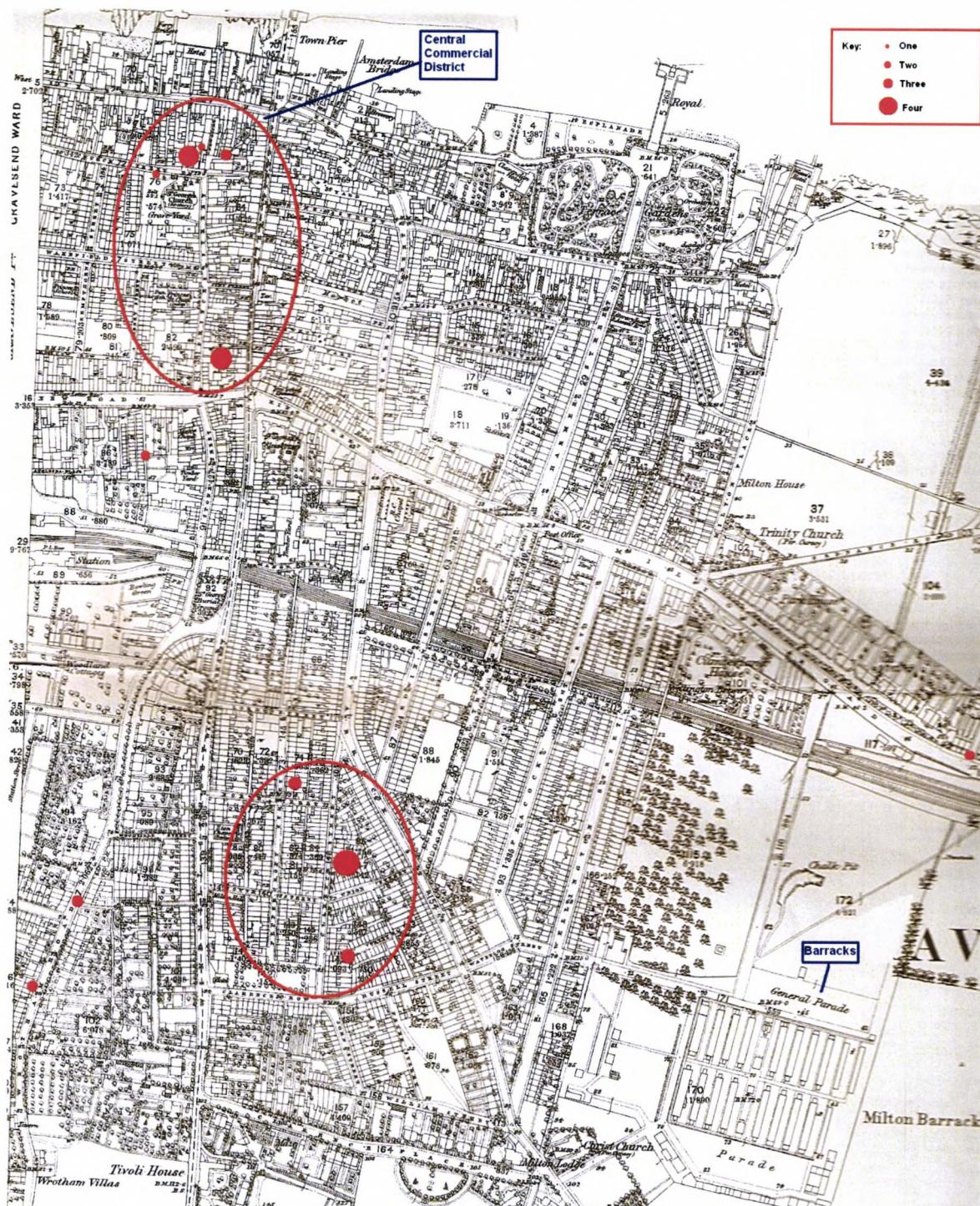
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<sup>27</sup> As has been discussed, considerable doubt has been cast on the accuracy of the Metropolitan Police statistics.

mixing and residential integration. The second focal point of prostitution was a district of working class housing situated to the south of the town centre close to the barracks (see Maps 4.1, 4.2 and 4.3). This district, centred on Peppercroft Street and Clarence Street, housed prostitutes alongside members of the respectable working class and the families of police officers. It too was characterised by public houses and back alleys but whilst the two districts shared a number of characteristics, as will be demonstrated, the social mixing of the two areas was markedly different. The co-residence of prostitutes and of police officers in this area is significant in what it suggests about police officers' knowledge of the local community.

Gravesend's prostitution trade can be geographically located to these two areas by means of three indicators. These are the location of arrests for soliciting, the addresses of identified brothels and the location of public houses known to have been used by prostitutes. The evidence for this analysis is taken from the minutes of Petty Sessions hearings and from the court reports in the local newspaper, the *Gravesend and Dartford Reporter*. The majority of brothels identified in reports of magistrates' court sessions were located in one or other of these two focal points (Map 4.1). In contrast, as might be expected, the locations where women were arrested for soliciting were spread more widely (Map 4.2). These patterns strongly suggest that prostitutes looking to meet clients in the street or in public houses targeted the areas of highest density of pedestrian traffic, after which clients were taken to known addresses for the sexual transaction, which may or may not have been where the woman lived.

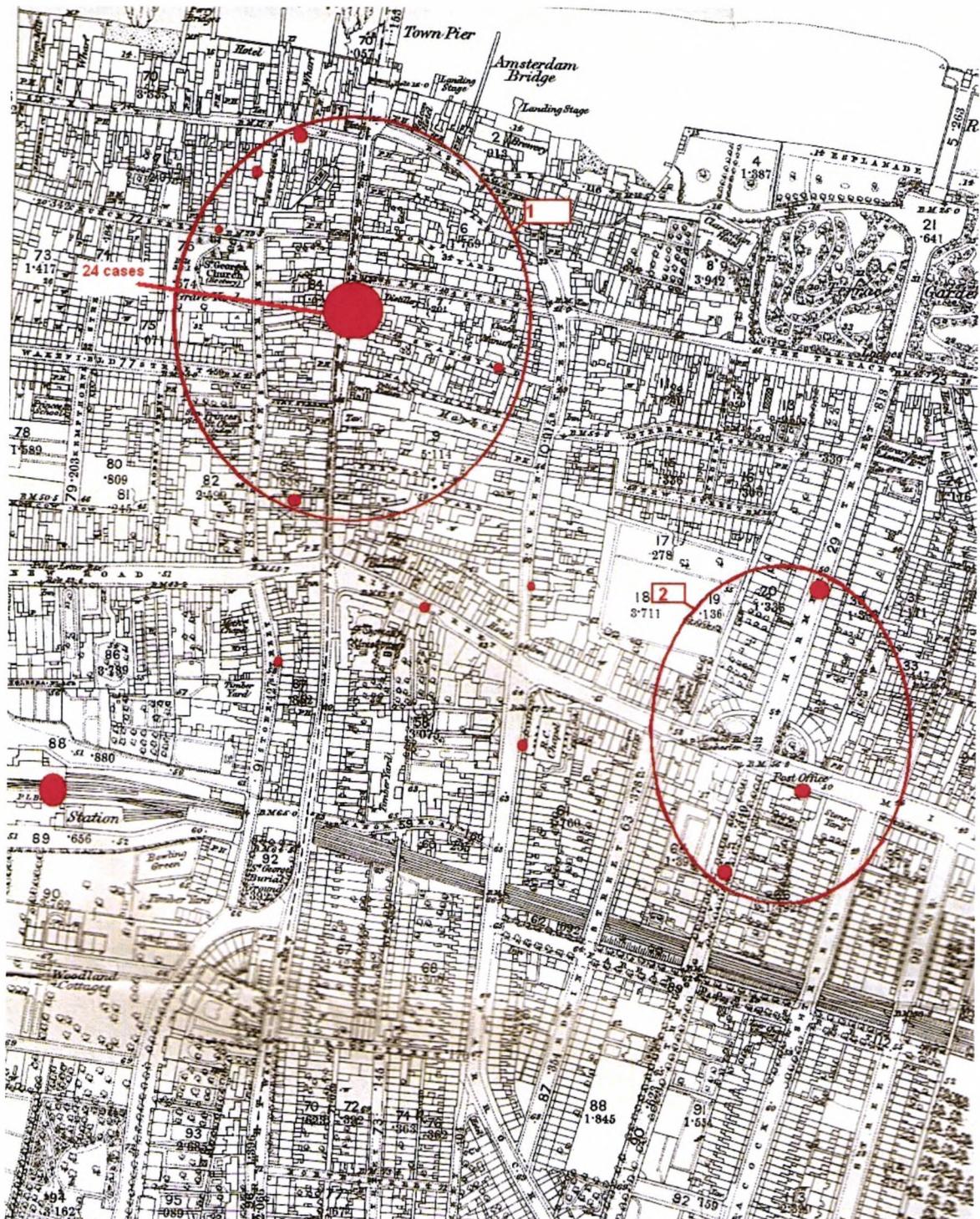
**Map 4.1: The Geography of Prostitution, Gravesend: Location of Brothels 1856 – 1879**



Source: Addresses of brothels, as revealed by reported incidents of prosecution of brothel keepers.  
*Gravesend and Dartford Reporter*, and Gravesend Petty Sessions, 1856 - 1879

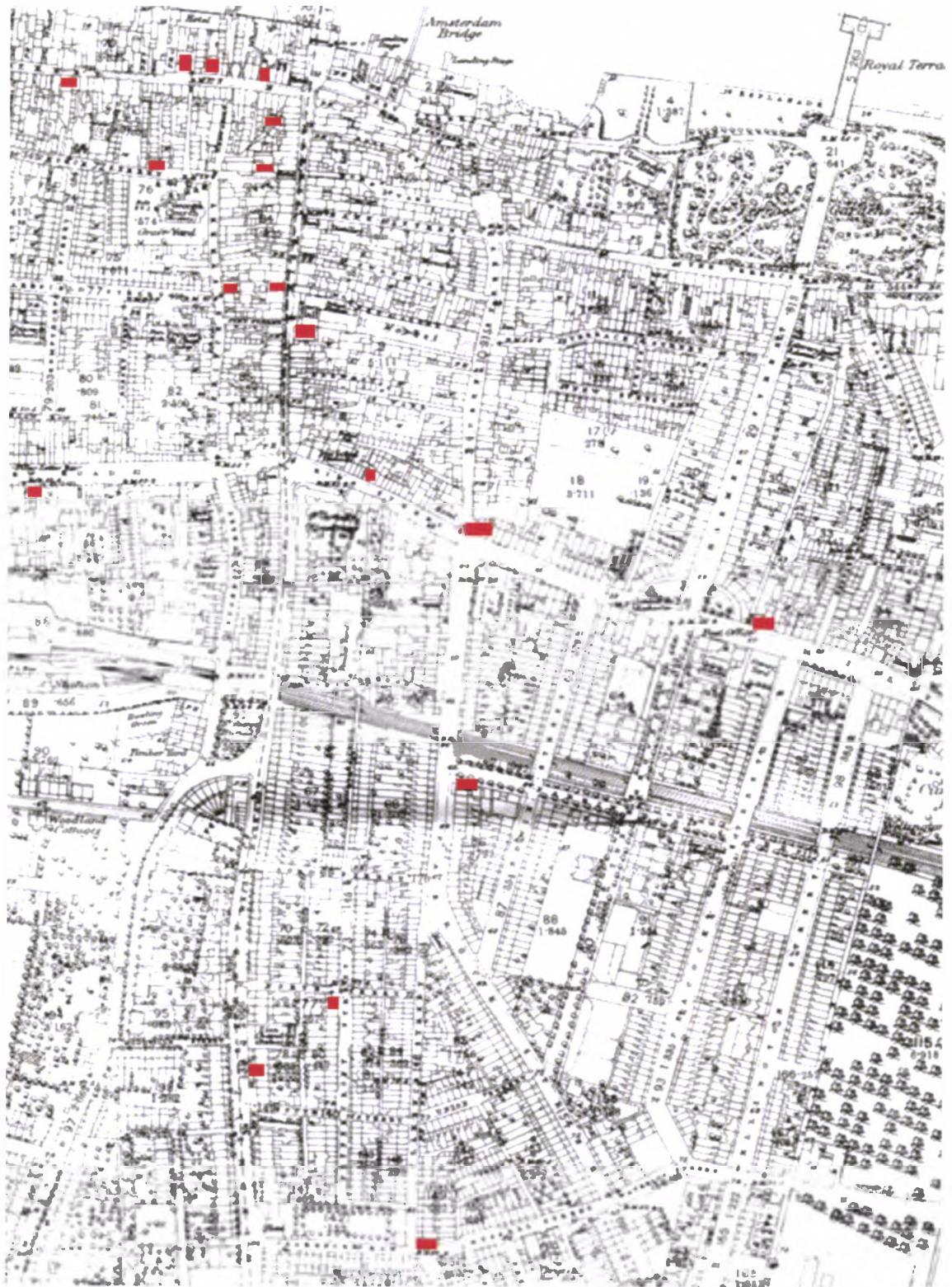
**Map 4.2: The Geography of Prostitution, Gravesend: Arrests for  
Soliciting, 1856-1879**

(Key: as for Map 4.1)



Source: Reported incidents of prosecutions for soliciting, *Gravesend and Dartford Reporter* and  
Gravesend Petty Sessions: 1856 – 1879

**Map 4.3: The Geography of Prostitution, Gravesend: The Location of Public Houses used by Prostitutes 1856 – 1879**



Source: Reported incidents *Gravesend and Dartford Reporter* 1856 - 1879

## Geography of Prostitution: Town Centre

The first of Gravesend's prostitution focal points was located close to the river at the site of the town's pre-modern origins, and was also at the time of this study the centre of the town's commercial and administrative activity. The town hall, magistrates' court and police station were all located here, together with banks, provision merchants and retail outlets. This district was also the site of the town's oldest housing stock, much of which had deteriorated to the level of slum dwelling by the period under study. Thus there was a marked degree of social mixing in this area and prostitutes competed for territory with numerous other functions. Gunn's comment that 'fears about the permeability of the boundaries between slums and centre led to concerns about crime and violence' has particular resonance for Gravesend since, as the following discussion will demonstrate, the 'slums' and the 'centre' were located in the same area in close proximity to one another and thus the boundaries between the two were extremely permeable.<sup>28</sup>

This district lay adjacent to the river at the intersection of three principal thoroughfares: West Street, High Street and East Street. Its association with prostitution was facilitated by a convenient location with a high density of pedestrian traffic flow round the town pier and railway terminus, and by the facilities offered by the numerous licensed and other refreshment houses. These provided the opportunity to meet clients, who could then be swiftly taken through the many narrow courts and alleyways to one of the numerous houses that operated as brothels. Public houses also provided temporary refuge from pursuing policemen and from aggrieved clients. In the words of one urban geographer 'The narrow wynds of pre-modern towns produced a porosity in

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<sup>28</sup> Gunn, *Public Culture*, p. 63.

the urban texture through which people could move easily on foot', and clearly the specific characteristics of this urban environment had a direct bearing on the way in which lower-class prostitution was practised in this district.<sup>29</sup> Dark, narrow alleyways facilitated movement and the avoidance of the patrolling constable.

It was also in this district that the local economy's dependence on the river was most apparent. The north side of West Street was packed with wharfs, warehouses, hotels, public houses and the premises of provision merchants that backed onto the piers and causeway on the river frontage. A labouring waterfront community lived in small, crowded courts squeezed in between the wharves, landing stages and the numerous commercial premises, and it was here that many of the town's prostitutes lived. Evidence taken from reports of magistrate's court cases together with census materials suggests that many of the houses here were run as brothels and that many of the town's prostitutes both lived here and frequented the area's numerous public houses. Whilst the source material available allows only a snap-shot approach to the study of the usage to which the houses in this district were put over a thirty-year period, it provides sufficient evidence to indicate that much of Gravesend's visible prostitution was centred on this poor and unsanitary neighbourhood and was thus predominantly at the lower end of the market.

Described as a 'place of considerable business' and a major commercial thoroughfare by one local historian, by day West Street was a central provisioning district where

ladies from the large houses on the outskirts of the town made choice of bacon cuts, joints, or fish. Its many shops competed for the custom of 'carriage folk', whose pair-horse broughams with

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<sup>29</sup> Richard Rodger, 'Slums and Suburbs: The Persistence of Residential Apartheid' in *The Urban Landscape* ed. by Phillip Waller (Oxford, Oxford University Press, 2000), p. 233.

liveried coachmen and footmen were to be seen drawn up at the grocer, the butcher or the fishmonger.<sup>30</sup>

Pigot's 1840 Directory of Gravesend lists butchers, dining and coffee houses, fishmongers, greengrocers and grocers amongst the premises in the area. Fish was a speciality, especially locally gathered shrimps.<sup>31</sup>

The north side of West Street had more licensed premises in its 400 yards length than any other location in the town. Amongst these, the New Falcon Hotel with its glass-fronted dining room looking out over the river was prominent. It was famous for its whitebait suppers and was the venue for mayoral banquets during the nineteenth-century. A contemporary observer noted West Street's 'eating taverns and eating houses, some good hotels especially the New Falcon'.<sup>32</sup> The Mayor meanwhile, gave a Christmas supper to the borough police at the near-by Old Falcon. The presence of so many licensed premises helps explain the high levels of drunk and disorderly arrests and of violence and assault that occurred in West Street at night after the middle-class shoppers had returned to their homes on the outskirts of town.

Evidence strongly suggests that West Street's social and spatial boundaries were of a temporal nature. By day this was the site of extensive commercial activity, attracting middle-class shoppers who lived on the outskirts of town. At night the area appears to have assumed a different aspect to its day-time one, and as Gunn has described, the boundaries appeared to break down and the 'population of the slums and workers' districts spilled on to the main city streets, principally at night and weekends.<sup>33</sup> In the case of Gravesend the slums and workers districts were literally

<sup>30</sup> Hiscock, *History of Gravesend*, p 23.

<sup>31</sup> Pigot's *Directory of Kent, 1840*, <<http://www.janetandrichardsgenealogy.co.uk/new>> [accessed 25 July 2008].

<sup>32</sup> E. J. Brabazon, *A Month at Gravesend*, (Gravesend, Godfrey John Baynes, 61 High Street, 1863), p.26.

<sup>33</sup> Gunn, *Public Culture*, p.63.

only yards away from the main thoroughfare, thus these spatial and temporal boundaries were of a fragile nature.

Many of the public houses in this location were used by local prostitutes. The India Arms for example, retained a reputation for harbouring prostitutes over many years, and the landlord Jacob Beard was successfully prosecuted for this offence in 1875 and again in 1876. The Privateer had a similarly long-established reputation. In 1856 the then landlord David Whiffen, received a caution from the magistrates after several local prostitutes, euphemistically described by the local press as 'members of the fair sex', residents of 'Pump Alley and its adjuncts', had gained entrance to the pub one Sunday morning by a side door left open for domestic purposes, and refused to leave until they had been served.<sup>34</sup> Several complaints had been received of the conduct of prostitutes in the area, but the inhabitants, according to the Police Superintendent, would not make a formal written complaint. The pub's reputation continued undiminished for at least another twenty years. In 1876 landlord William Cox was convicted following a fight at the premises, part of the allegation being that he himself had been lying on the counter of the bar talking to prostitutes. One of the women, Mary Ann Loft of Back Garden Row, was well known in the Magistrates' Court, having been there on at least three previous occasions charged with a variety of offences.<sup>35</sup> Arrests of prostitutes on West Street for soliciting, obstructing the footpath and on charges of behaving riotously or indecently were common. In 1879 Ellen Lane, a prostitute who herself lived in West St was arrested there by Superintendent George Berry, who came across her some time after eleven at night in the middle of a large crowd of people, using, he said the 'most filthy and obscene language'.<sup>36</sup> The police

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<sup>34</sup> *Gravesend and Dartford Reporter*, 26 April 1856.

<sup>35</sup> *Ibid.*, 10 June 1876.

<sup>36</sup> *Ibid.*, 2 August 1879.

claimed to have received complaints from the residents about 'disorderly' behaviour of the local prostitutes, but the complainants were seemingly reluctant to testify against their neighbours or to put their grievances in writing thus putting the onus on the police to catch women in the act of soliciting.

On its south side West Street was lined with a variety of tradesmen's outlets interspersed with the residences of fishermen and watermen. Described by a local historian as a neighbourhood in which the working class and watermen's families lived, Sutties Alley, St. John's Place, Pump Alley, Mermaid Court, Caroline Place and Passengers Court, largely comprising cheaply built wooden or lathe and plaster houses, were also home to the very poorest residents of Gravesend.<sup>37</sup> Casual labourers, itinerants and hawkers lived and lodged there alongside the watermen and fishermen. With cesspool drainage, shared water closets and a standpipe water supply these courts were unhealthy and unsanitary and subject to frequent cholera outbreaks in the middle years of the nineteenth-century. As late as 1878, water from Pump Alley, along with that from houses in West Street, High Street and Bath Street was analysed for the Town Council and condemned.<sup>38</sup> The area was destined to be cleared in a programme of slum clearance in the 1920s. Pump Alley, which had previously been known as Three Mariners' Yard, was characterised by poverty, overcrowding and by high levels of prostitution, as evidenced by the fact that five different addresses there were mentioned in the press in connection with prostitution-related incidents during the 1850s, 60s and 70s.<sup>39</sup> During the hearing of the 1856 prosecution of a prostitute called Susan Claycroft for obstructing the footway in front of the alley, the Head Constable informed the bench that the prisoner and other girls had been warned for 'running the streets and courts and

<sup>37</sup> Hiscock, *History of Gravesend*, p. 23.

<sup>38</sup> *Gravesend and Dartford Reporter*, 17 August 1878.

<sup>39</sup> *Ibid.*, 5 September 1857, 24 July, 4 September 1858.

obstructing the paths.<sup>40</sup> The presence of brothels in Pump Alley persisted over a substantial period of time and under changes of proprietor, suggesting (as was seen in Chapter 2) that brothels' reputations tended to be retained over a long period. Three publicly identified prostitutes lived at number seven, whilst number nine and a half was run nominally as a lodging house in the early 1850s. Three of the lodgers were described on census materials as having the occupation 'streetwalker'.<sup>41</sup> Whether this was an officially recognised brothel cannot be determined from the scant evidence, but the name of James Goodyer, the tenant, continued to be linked to prostitution over successive years.

Additional evidence relating to the material conditions amidst which the residents of Pump Alley lived suggests that the prostitution practised here was very much at the lower end of the market. On the night the 1851 census was taken ninety-nine people were crowded into fourteen houses, three of which housed fifteen people each. The alley contained eighteen dwellings, four of which were described in 1852 sales literature as brick-built and consisting of three rooms and a cellar. It is not clear how typical these houses were but in 1852 they commanded a rent of nine pounds per year, which included the use of communal pump and privy. An 1879 press report highlighting levels of poverty in Gravesend described one Pump Alley family as living in one room, with several children of whom none had eaten any food that day. The room was described as very scantily furnished and as having no light.<sup>42</sup>

The police were frequent visitors to Pump Alley as a result of numerous breaches of the peace. Residents of this Gravesend neighbourhood were so frequently prosecuted for public order offences that it was mentioned during proceedings at Petty

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<sup>40</sup> Ibid., 14 June 1856.

<sup>41</sup> 1851 Census, (1608, 70:26).

<sup>42</sup> *Gravesend and Dartford Reporter*, 25 January 1879.

Sessions by the head constable Superintendent White, who expressed the opinion that 'the whole of the houses in the court had pretty much of a muchness about them; they were let out in lodgings to various characters'.<sup>43</sup> Cases of assault included the altercation between neighbours Mary Murphy and John Sowter, which happened after Murphy had remonstrated with Sowter because he was 'beating the young woman he lived with', upon which he struck Mary several times as well. The defendant's mother alleged that the complainant had been drunk. The Sowter family was back before the bench within a few months, on another, unconnected charge of assault.<sup>44</sup> The *Gravesend Reporter*, commenting on such disputes, pontificated that 'the fetid atmosphere of these localities (is) so disgraceful to the town – the acrid exhalations from which invariably affect the temperaments of the denizens....'<sup>45</sup> The 'miasmatic' theory to which the *Reporter* was here making reference held that disease was caused by the inhalation of air that was infected through exposure to rotting matter. The theory prevailed for much of the nineteenth century amongst the medical profession, influencing, as in this case, popular contemporary discourse. In this instance, the disorderly and unsocial behaviour of the residents of Pump Alley was blamed on the foul air that they inhaled, thus symbolically associating them with ideas of dirt, miasma and disease. Similar conditions applied in nearby Passengers Court where in the late 1870s ten families were housed in one tenement, most of them living in a single room. In one of these, a husband and wife and four children shared a space reportedly measuring fourteen feet by ten, and in another a recently confined woman and her unemployed husband lived with seven children.<sup>46</sup>

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<sup>43</sup> *Gravesend and Dartford Reporter*, 10 August 1867.

<sup>44</sup> *Ibid.*, 22 May 1869, 13 June, 5 October 1878.

<sup>45</sup> *Ibid.*, 22 October 1859.

<sup>46</sup> *Ibid.*, 25 January 1879.

Mary Jane Brown, who became well-known in the police courts during the 1860s for a range of offences including theft, drunkenness and soliciting (and whose life story was outlined in Chapter 2) grew up in St John's Place nearby, where Sarah Goodyer ran a brothel at number four. This address became notorious in the magistrates' court for the string of robberies of clients that took place there. Nearby Suttie's Alley, which ran parallel to St John's Place was home to Isabella Stewart, a female of 'more than doubtful reputation', and also to fisherman's wife Ellen Beale who ran a brothel that was the object of a good deal of complaint from surrounding residents, as a result of the disorder with which it was run.<sup>47</sup>

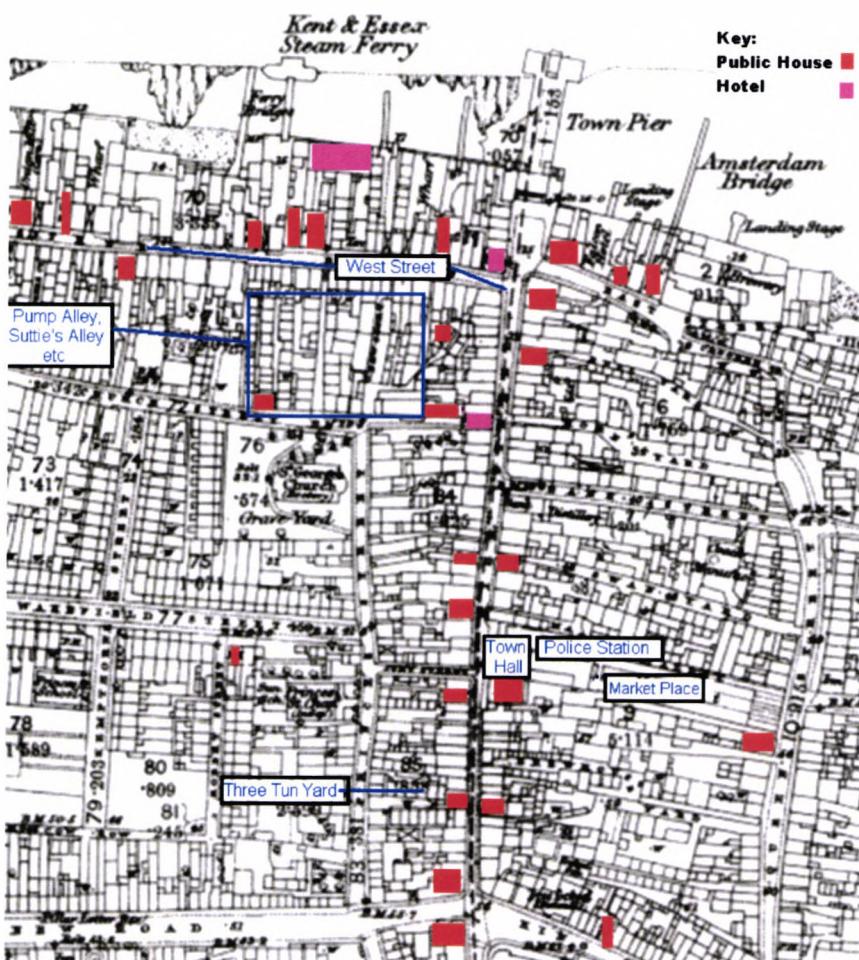
The evidence therefore suggests that prostitution was well established in the West Street area of Gravesend and furthermore that the numerous prostitutes and brothel keepers who lived and worked there were well established within, and integrated into the casual poor and working class community amongst which they lived. Local police officers appear to have been frequent visitors and were thus acquainted with the district and with its inhabitants. Whilst neighbours were willing to make complaints to the police over overt cases of disorder, they were unwilling to pursue their complaints suggesting a reluctance to disrupt community relations.

Gravesend High Street intersected with West Street and climbed southwards away from the town pier forming a right angle with the river (see Map 4.4). The street's pre-modern origins were evident both in the crowded rookeries that were packed in behind it and in its extreme narrowness, being only eight feet wide in parts and described by a contemporary observer as 'highly inconvenient, especially in this "age of

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<sup>47</sup> *Ibid.*, 12 March 1859, 5 December 1863.

**Map 4.4: High Street and West Street, Gravesend**



**Image 4.1: Gravesend High Street, showing the Town Hall (1844)**



crinolines’’.<sup>48</sup> A series of fires in the eighteenth and early nineteenth centuries had destroyed many of the timber-built shops and houses, one such in 1850 destroyed twenty-four houses, together with many more in the adjoining courts and back yards. The opportunity was consequently taken to cut the first narrow streets running to the east and west, prior to which pedestrian footways had provided the only outlet.

Unlike West Street whose retail outlets were predominantly provision merchants, High Street additionally housed the premises of the principal retailers of the town. These, according to the evidence of a contemporary visitor bore comparison with those of a similar class in London: ‘various lines of stationery and bookselling, drapery, fancywork, confectionary, glass and cutlery’ were to be found.<sup>49</sup> An 1875 street directory confirms this impression, listing specialist outlets such as Frederick Burdock’s pianoforte emporium, Hall’s china and glass warehouse and the premises of Bryant and Rackstraw, draper and silk merchant, alongside more everyday butchery, grocery, bakery, tobacconist and fishmonger’s outlets.<sup>50</sup> Amongst the retailers who kept shops in the High Street were several who had risen to local public office. These included Thomas Troughton, magistrate and alderman who was a wax and tallow chandler, Charles Startup, tailor and outfitter and member of the Watch Committee and grocer William Winnett, member of the Town Council who was elected Mayor in 1864. Gravesend High Street was therefore a major shopping thoroughfare and as such, attracted numerous visitors.

In contrast to High Street’s prosperous and respectable main aspect, to the rear of the commercial premises on both sides lay ‘a district of crowded courts and alleys’

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<sup>48</sup> Brabazon, *A Month at Gravesend*, p.26.

<sup>49</sup> *Ibid.*

<sup>50</sup> Hall’s *Gravesend, Milton and Northfleet Directory and Advertiser* (Gravesend: Thomas Hall, 1875).

that was reached by a series of narrow passageways.<sup>51</sup> Gravesend is clearly typical of the pattern of urban development described here, which was particularly common in and around the central business districts of some towns: 'Inner urban communities may well have been tiny- perhaps a small court or 'rookery' pushed in behind the main street.'<sup>52</sup> Many of the courtyards and alleys off High Street had been developed according to this pattern, whereby the spaces behind narrow-fronted shops and houses on the main street, originally built with long narrow gardens behind were in-filled by subsequent building.

Early nineteenth-century developers built workshops and houses along the length of these plots, down both boundaries, thus creating an inner court of houses facing each other.<sup>53</sup> The double-fronted shop at number seventeen for example, located next to the London and Provincial Bank and which in 1870 was the premises of distiller Robert Sowter, was twenty-three feet wide but fifty-two feet deep with a kitchen, scullery stores and a yard behind. Referring to similar development elsewhere, Girouard has shown that such development often occurred when owners of the original premises moved to the suburbs enabling gardens in the centre of town to be built on as courts. The effect in Gravesend was similar, resulting in 'a teeming warren of courts...as many of these courts had back access, the town acquired a network of pedestrian ways leading through courts up and down the steep hills'.<sup>54</sup>

This pattern of urban development had a direct bearing on the high levels of streetwalking and public prostitution practised in and around the High Street during the 1850s, 60s and 70s. This location was the site the largest number of arrests both for

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<sup>51</sup> 'Gravesend 1851', (Workers' Educational Association South Eastern District, Unpublished Class Project, 1971, Centre for Kentish Studies 942.23 GRAV), p. 5.

<sup>52</sup> Harold Carter and Roy Lewis, 'Towns and Villages: Social Divisions and Spatial Patterns' in *From Family History to Community History* ed. By W.T.R. Pryce, (Cambridge: Cambridge University Press in association with the Open University, 1994).

<sup>53</sup> Richard Rodger, 'Slums and Suburbs: The Persistence of Residential Apartheid' in Waller, Philip, *The English Urban Landscape* (Oxford: Oxford University Press, 2000).

<sup>54</sup> Mark Girouard, *The English Town* (New Haven and London: Yale University Press, 1990), p. 72.

soliciting and other street disorder offences. A number of premises in the courts and alleys backing onto the High Street, which were notorious for incidents of lawlessness and of breaches of the peace as well as prostitution, were run as brothels suggesting, as Daunton has observed, that 'The life of the courts was outside regulation'.<sup>55</sup>

Nineteenth-century developments in retailing had impacted on the contest for public space that took place between different users of Gravesend High Street in a number of significant ways. Firstly, improvements in glass production, the introduction of gaslight, the development of a wholesale system and enhanced window-dressing techniques had revolutionized the experience of high street shopping. These developments enabled the development of fixed, lighted specialist shops with display windows that remained open all week and almost all hours. 'Streets were paved and lighted so that visits to large, well-stocked shops became a pleasure and indeed, a pastime for the well-off'.<sup>56</sup> Taken together these changes had a major impact at street level, since shoppers lingered longer than the minimum necessary to make their purchases, adding to the volume of pedestrian traffic on the streets. The establishment of restaurants and tea-shops provided the opportunity for rest and further enhanced the experience and enjoyment of shopping. Gunn has discussed the appearance of the middle classes in town centres in terms of 'ritual', referring to 'the highly stylised ways in which the wealthy transacted movement to and from the centre'.<sup>57</sup>

Additionally, the shops in Gravesend High Street were still predominantly residential during the 1860s and 70s, and in most cases the proprietor and his or her family themselves lived on site. The gradual introduction of the lock-up shop, which

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<sup>55</sup> M.J. Daunton, 'Public Space and Private Space: The Victorian City and the Working Class Household' in Derek Fraser and Anthony Sutcliffe (eds.), *The Pursuit of Urban History* (London: Edward Arnold, 1983), p. 222.

<sup>56</sup> Harold Carter and C. Roy Lewis, *An Urban Geography of England and Wales in the Nineteenth Century* (London: Edward Arnold, 1990), p. 91.

<sup>57</sup> Gunn, *Public Culture*, p. 72.

enabled owners to live in the suburbs, was still in its early phase in Gravesend at this date and live-in apprentices were still much in evidence, particularly in the drapery and grocery sectors, as revealed by the 1871 census. Draper George Littlewood for example, at fifty-five High Street, was resident on census night with his wife, five children, three shop men and two domestic servants.<sup>58</sup> Close-by, eating house keeper John Tidby was resident at number sixty with a wife, a niece, one assistant, one eating house servant, one waitress and a domestic servant.<sup>59</sup> The premises of grocer William Winnett, mentioned above however, were inhabited by two grocer's assistants and a housekeeper, suggesting that the proprietor had alternative residential accommodation outside the commercial centre. Likewise, the premises of draper and silk mercer Harry Rose at number sixty-one were inhabited by four draper's assistants, a draper's apprentice, a milliner, a dressmaker and a housekeeper. Once again, the owner was not resident.

This location was also the centre of Gravesend's business and administrative activity. The London and Provincial and London and Liverpool Banks both had premises here and the premises occupied by the town hall, magistrate's courts and police station with police cells was half way up the street backed by the market place (see Map 4.4). Residential accommodation was provided for the head constable and the sergeant at mace and their respective families at numbers one and two Market Place, next to the police station. Thus, the head constable, together with the police officer undertaking the role of gaoler and a corporation official, were all resident on-site. Superintendent Frederick White, head constable from 1851 until his sudden death in service in 1873, brought up a family of four children in this accommodation including

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<sup>58</sup> 1871 Census, (892, 36:11).

<sup>59</sup> 1871 Census, (892, 36:12).

one son who was to become assistant police clerk. The location of the police station and magistrates' court in the midst of the area of highest levels of street disorder suggests high levels of surveillance and knowledge on the part of the local police.

The pattern of residence on working premises witnessed in Gravesend High Street together with changes in usage of public space by shoppers, confirms that this district was the site of activity and movement long into the evening. Shops remained open late and thus incidents of soliciting and arrests of offending prostitutes were carried out in full view of passers by. A contest for public space was therefore entered into between all those who had a vested interest in maintaining the appearance of public 'respectability' such as shop-keepers on the one hand, and the prostitutes who needed to maintain a presence on the street for economic survival, on the other. As Croll has observed, the advantages for what he calls the rate-paying 'shopocracy' who depended on the free passage of goods carriers and customers, of a clean, passable and well regulated High Street are clear.<sup>60</sup> An unnamed Gravesend High Street shopkeeper, for example, made an official complaint in 1862 about 'the conduct of the girls residing in the courts and alleys' abutting onto the High Street, as a result of which a number of arrests were made for obstructing the pavement, including that of prostitute Eliza Richardson.<sup>61</sup>

The contest over public space in High Street, unlike West Street appears not to have had temporal boundaries. Ann Jones for example, was arrested for soliciting at five o'clock in the afternoon.<sup>62</sup> Resident shop owners and shop workers were well

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<sup>60</sup> Croll, *Civilizing the Urban*, p. 79.

<sup>61</sup> *Gravesend and Dartford Reporter*, 19 July 1862.

<sup>62</sup> *Ibid.*, 5 October 1861.

placed to be aware of activity on the street and movement between the licensed premises and the courts and alleys behind them. When a 'very respectable person' reported to the magistrates that a young prostitute of fourteen years old was living at the Black Horse Inn for example, the activities at the pub in question were easily observable since it was surrounded by the premises of tradesmen including a butcher, a master boot-maker, a retired china dealer, a hatter and a fishmonger. Only one of these premises had fewer than four people resident on census night in 1871, all of whom were well-placed to observe the comings and goings at the pub.<sup>63</sup>

The large number of licensed premises on High Street also contributed to high levels of incidents involving prostitutes. The landlord of the Hole-in-the-Wall for example, which was situated literally at the end of a long passageway leading from the High Street, was charged with harbouring prostitutes in 1865, and prostitute Emma Jones was found drunk and riotous there in 1864.<sup>64</sup> The White Hart was the scene of several incidents of theft and assault involving prostitutes and was the address given by prostitutes Lydia Cripps and Mary Ann Smith when they were arrested on charges of disorderly and indecent behaviour. It was described in the press report of the incident as 'one of the congeries of alleys at the back of White Hart Yard, in which charming locality both parties dwell.'<sup>65</sup>

The Three Tuns public house was backed by Three Tun Yard, a closely packed court of crowded common lodging houses whose extremely narrow entrance consisted of an alleyway running alongside the pub. The close proximity of Three Tun Yard to the High Street made it a convenient location for the practice of lower-class prostitution, and provides the opportunity to explore the spatial relationships between Gravesend's

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<sup>63</sup> *Gravesend and Dartford Reporter*, 28 March 1868.

<sup>64</sup> *Ibid.*, 9 September 1865, 4 June 1864.

<sup>65</sup> *Gravesend and Dartford Reporter*, 3 November 1860.

streetwalkers, brothel keepers, and neighbouring members of the labouring poor. The yard was the scene of frequent incidents of drunkenness, disorder and of quarrels and fights between residents that frequently resulted in a summons to the magistrates' court. On census night 1861, sixty-seven people were crowded into nine addresses here, at least four of which were run as brothels during the 1860s and 70s.<sup>66</sup> The local press considered Three Tun Yard 'a locality, we regret to say, which is familiar to scenes of outrage both of speech and conduct'<sup>67</sup> Prostitutes loitered on the pavement of High Street near the narrow entrance to the yard, from which position they could take advantage of the flow of pedestrian traffic up and down the street which was the main thoroughfare leading to and from the waterside, and between the numerous public houses. From here they could quickly and easily retreat into the yard with customers, or to avoid the patrolling constable when necessary. The newspaper report of the 1863 prosecution of Ann Swift for soliciting for example suggests that police officers would not follow loitering prostitutes into the alley unless they were in breach of the peace, so long as the High Street was kept clear and passable. On this occasion PC Jayne warned Ann to move on and she obligingly retreated inside the alleyway, only to return 'as soon as he turned his back'.<sup>68</sup> Likewise, Jayne's colleague PC George Martin cautioned a group of women who were standing talking on the pavement here, thus allegedly obstructing the way. The women, the court was told, 'paid no attention but only ran away and laughed when he passed'.<sup>69</sup>

That there was a good deal of traffic between Three Tun Yard and the pubs on the High Street is evidenced by the high number of incidents of drunken and disorderly or riotous behaviour by prostitutes and others reported to have taken place there. Louisa

<sup>66</sup> 1871 Census, (892, 35:9).

<sup>67</sup> *Gravesend and Dartford Reporter*, 28 September 1867.

<sup>68</sup> *Ibid.*, 7 February 1863.

<sup>69</sup> *Ibid.*, 12 October 1861.

Turner, a young girl who described her own occupation as an 'unfortunate', for example, was convicted of being drunk and using foul language in the yard.<sup>70</sup> Other examples include Louisa Collins and Margaret Groves, both prostitutes and fellow lodgers at one of the addresses there who were brought before the bench for fighting as a result of an argument.<sup>71</sup> When four prostitutes were charged together with disorderly and indecent conduct in June 1874, three out of the four gave addresses in Three Tun Yard. Hannah Abbott, described in court as an 'unfortunate', stole a purse from Joseph Arnold after he had accompanied her there after meeting her in the King's Head.<sup>72</sup>

Numerous addresses in Three Tun Yard were run as brothels and several residents were convicted of the offence. Thomas Day and Sarah Day, who were mentioned in Chapter 2, lived at number eight and were convicted of the offence in 1869 and again in 1874 having moved to number seven. On the first occasion, the charge was prompted by complaints by residents in High Street, and the police were able to prove to the magistrates that the house 'was resorted to by bad characters, and frequently there was disorderly conduct.' Margaret Green, a prostitute and resident, gave evidence on this occasion against the Days.<sup>73</sup>

The following year, a case of assault was brought before the magistrates by Three Tun Yard resident Julia Callaghan after she had allegedly been assaulted by a woman called Margaret Marchant. The defendant claimed that her sister had been 'encouraged' by Mrs Callaghan to her house, which was run as common lodging house, for immoral purposes.<sup>74</sup> This incident may have served to focus the attention of the police on the activities in the Yard. Shortly afterwards coal porter Thomas Smith and fish hawker John Mazar, tenants of numbers nine and ten respectively were each

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<sup>70</sup> *Ibid.*, 17 February 1866.

<sup>71</sup> *Ibid.*, 17 August 1867. *Ibid.*,

<sup>72</sup> *Ibid.*, 18 November 1865; CKS Gravesend Petty Sessions Minutes, 8 June 1874.

<sup>73</sup> *Gravesend and Dartford Reporter*, 24 July 1869.

charged with keeping brothels at these addresses. Whether this was a co-incidence, or whether it reflects a periodic crackdown in response to complaints by ratepayers is not clear. The charge against Smith resulted from an incident in which his wife had called the police after a fight had broken out at the premises between several prostitutes and a man, presumably a client. Smith was charged for a second time a few months later, following which he moved away from Three Tun Yard. Mazar was imprisoned for three months in Maidstone Gaol in default of being able to find two people to pay sureties of ten pounds each, and paying twenty pounds himself. His wife Margaret had herself been charged with drunken and riotous behaviour with Louisa Collins, a prostitute and neighbour in Three Tun Yard.<sup>75</sup>

Swan Yard, another of the courts situated behind the High Street, provides an example of the spatial relationships between Gravesend's prostitutes and members of the local police force. Amongst the families resident here on census night 1871 were the Nashes and the Gentrys. The family of fifteen year-old Harriett Nash had moved to Gravesend from Essex when she was a young child. Within three years of the 1871 census Harriett had left the family home and moved the short distance across the street to live in one of the lodging houses in Three Tun Yard, after which, between the ages of eighteen and twenty-one, Harriet came to the attention of the police four times on charges related to prostitution. Also resident in Swan Yard at this time were the Gentrys, the family of a deceased shoemaker and cordwainer (leather worker) whose fifth child George was later to join the Gravesend Borough Police Force. The family had moved the short distance to Swan Yard on the death of George's father, whereupon his mother took up laundering and his younger sister, fifteen year-old Eliza gave birth to

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<sup>74</sup> Ibid., 3 August 1861, 13 August 1870.

<sup>75</sup> *Gravesend and Dartford Reporter*, 13 February 1869.

a baby.<sup>76</sup> The family had previously lived in Market Alley when George was a child, close to the police station and the home of the Superintendent of Police. Their neighbours in Market Alley had included the Partlett family whose daughter Emma also became involved in prostitution in her teens. Gentry joined the Gravesend Borough Police Force whilst in his twenties, and remained in service for over ten years before leaving to take employment as timekeeper at a printing works. One of his three children became a journalist and author. Gentry's upbringing in Market Alley and Swan Yard suggests acquaintance with and close connection with the local community.

Market Alley ran behind the Police station and adjacent to the market. It was home to labourers' families and was the location of a number of licensed common lodging houses. The keeper of one of these at number four was prosecuted in 1857 for allowing unmarried persons of the opposite sex to share a room.<sup>77</sup> It was here that PC Robert Flinn, in an incident previously described in Chapter 2, discovered eighteen year-old Selina Calver sleeping out of doors.<sup>78</sup> Brewhouse Yard ran eastwards from the High Street to the south of the Town Hall. It too had a narrow entrance that was the frequent site of loitering by prostitutes and other young women where it joined the High Street. In particular it appears to have been a favourite haunt of Eliza Belcher and Margaret Collins, two young women who lived in the yard and who were apparently often to be found at this spot, 'talking to men and others, thus blocking the footpath' according to PC George Goodwin, who at the date of this incident already had at least six years' police service in the borough.<sup>79</sup>

The levels of social mixing apparent in Gravesend's central district at the period of this study coincide with the findings of historians who have questioned the Victorian

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<sup>76</sup> 1861 Census, (470, 82:40); 1871 Census, (890, 84:38).

<sup>77</sup> *Gravesend and Dartford Reporter*, 21 March 1857.

<sup>78</sup> *Ibid.*, 27 May 1865.

<sup>79</sup> *Ibid.*, 13 May 1871.

orthodoxy of pronounced residential segregation in Britain's cities and towns at the mid-century. David Ward found that most of the residents of mid-nineteenth-century Leeds for example, lived in districts and neighbourhoods with a varying range of occupational and class integration.<sup>80</sup> Only a minority of the wealthy middle-classes lived in exclusive socially-defined areas and residential segregation actually declined rather than increased in the three decades up to 1871. According to this thesis, only a small proportion of the wealthy had the resources to live in socially differentiated districts whilst the majority of what Ward called the 'lower middle or middling class' lived alongside the less affluent.<sup>81</sup> However, Ward also observed that

the threatening dimensions of the residuum were compounded when they were identified with particular sections of a city which had long been known as notorious slums. A district or a street symbolised the residuum and the place itself conjured up images of criminality and depravity.<sup>82</sup>

It is clear that these observations cast light on the situation in Gravesend during the period under study. At district level the centre of Gravesend was socially mixed, but smaller scale analysis reveals that residential differentiation did apply at the level of individual courts and alleys that were occupied exclusively by members of the casual and labouring poor. Three Tun Yard, Swan Yard and the other courts and yards behind Gravesend High Street typify the places described by Ward, which were associated with the residuum and which, the evidence of the local press suggests, conjured up images of dirt, criminality and depravity. This area also typifies the 'promiscuous' urban environment described by Martin Daunton, who has written of the self-contained and mutually dependant worlds created by enclosed courts and alleys.<sup>83</sup> In the case of

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<sup>80</sup> David Ward, 'Environ and Neighbours in the "Two Nations" Residential Differentiation in mid-Nineteenth-Century Leeds', *Journal of Historical Geography*, 6 (1980), 133-162.

<sup>81</sup> *Ibid.*, p. 161.

<sup>82</sup> *Ibid.*, p. 136.

<sup>83</sup> Daunton, 'Public Space and Private Space', pp. 214-215.

Gravesend these courts and alleys, whilst self-contained, were located in very close proximity to an area of greater social mixing and thus the district exemplifies Nead's observation about the dangers seemingly posed by streetwalkers in public spaces used by all classes:

The fear was not only of the prostitutes themselves but of the mixing of respectable and non-respectable classes and the ensuing breakdown of the carefully-constructed boundaries between the pure and the fallen. The public domain was the place where immorality could be categorized and regulated but it always carried the risk of the collapse of these identities.<sup>84</sup>

In this district the local police appear to have been active in the maintenance of the boundaries of respectability that separated the main thoroughfares from the back alleys and for the most part had little difficulty in distinguishing between prostitutes and other women in the street for shopping and recreation. The location of the police station in the heart of the district contributed to high levels of surveillance and lessened the likelihood of cases of mistaken identity. The contest for public space that took place in the central district of town operated in a different way to that in the second of Gravesend's prostitution focal points. It is to this location that the discussion now turns.

## **Geography of Prostitution: Peppercroft Street and Clarence Street**

Peppercroft Street and Clarence Street were located less than half a mile south of the old town centre, across the railway line and close to Gravesend barracks. This district was located between two of the three principal thoroughfares leading southwards out of central Gravesend. Along these roads a variety of housing types had been built which

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<sup>84</sup> Nead, *Myths of Sexuality*, p.115.

included, at the further ends, the villa residences of a number of the town's small middle class and holders of public office. The space between the main roads had been in-filled with streets of terraced working class and artisan's dwellings and these, unlike the town's old quarter discussed previously, are revealed on contemporary maps to have been regular and even, suggesting early nineteenth century development (see Map 4.5). This district was a mixed residential one. Evidence relating to its inhabitants reveals that prostitutes, brothel keepers and publicans with a reputation for harbouring prostitutes lived here amongst a mixed working class community that included members of the borough police force.

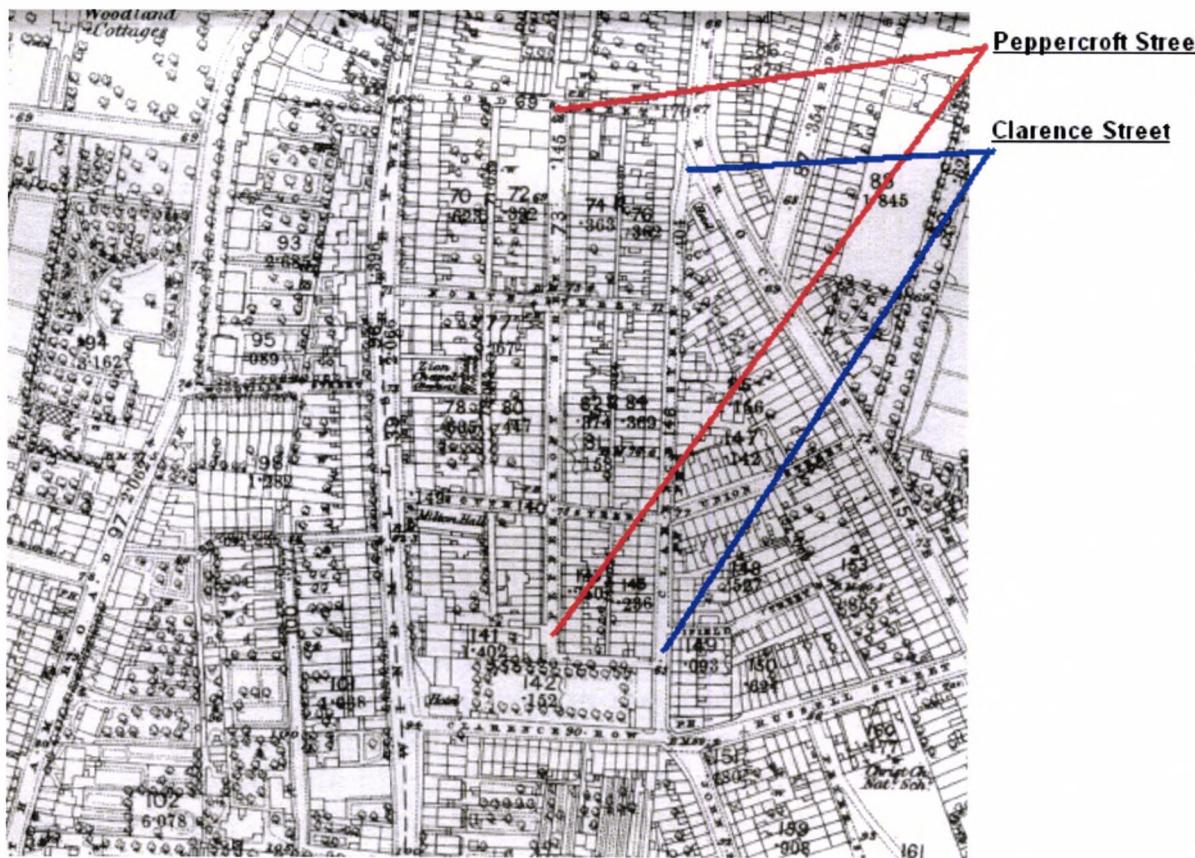
Peppercroft Street was a cul-de-sac that ran north to south. The houses here were owned by private landlords who often purchased in multiple for letting, for example a Mr Buckland bought numbers one and two at the same property sale in 1871, whilst in 1879 numbers six and seven were purchased by Evan Lake, a solicitor and member of the corporation.<sup>85</sup> Reports of property auctions dated around this time suggest that properties changed hands frequently and usually with sitting tenants.<sup>86</sup> A detailed description of number sixty-two is provided by the publicity material drawn up when the house was advertised for sale in 1884. It is not certain how typical this house was of the whole street, but contemporary maps reveal a considerable degree of regularity, suggesting that it may have been representative. The house contained a basement consisting of breakfast room with range, and a kitchen with sink and copper. On the ground floor there was a front parlour with stove and a back parlour and on the first floor front and back bedrooms. Thus these houses, if number sixty-two is typical, contained front and back rooms on each of three floors. The garden at the rear

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<sup>85</sup> *Gravesend and Dartford Reporter*, 18 January 1879.

<sup>86</sup> *Ibid.*, 22 April 1871, 18 January 1879.

**Map 4.5: Map of Peppercroft Street/Clarence Street**



contained a washhouse and wood shed. The houses had alleyways running behind, thus facilitating movement through the network of streets. It was in one of these that a man called Benjamin Rouse was discovered in 1868 with a woman called Eliza Andrews. both were drunk and lying on the ground, and were charged with indecency.<sup>87</sup>

This neighbourhood was inhabited by a mixed working-class community and census materials suggest that, as in the central district, most tenants rented rooms rather than whole houses. Residents in 1861 included a baker, a blacksmith, two bricklayers and two carpenters, a carman and a glazier. There is only one labourer listed, no hawkers nor anyone stated to be unemployed.<sup>88</sup> There are, on the other hand, several customs house officers and one fund-holder. Thus this area appears to have a markedly different socio-economic profile from the West Street /Pump Alley area. This profile did not however, mean that all inhabitants were prosperous or even comfortable. The 1858 inquest into the death of an infant called Charles Thomas, child of a shoemaker who lived at number twenty-three concluded that the death was caused by starvation resulting from poverty.<sup>89</sup>

Peppercroft Street's association with prostitution pre-dated the barracks since magistrate Robert Oakes made reference in court in 1856 to a previous campaign to indict a man called Lane for brothel keeping. The association appears to have been reinforced by the establishment of the barracks in the early sixties.<sup>90</sup> Number forty-six was run as a brothel by a woman called Mary Ann Westlake, an offence for which she was prosecuted twice in 1873.<sup>91</sup> A man named William Elvidge lived at number forty-four in 1870. Elvidge was described in the street directory as a gardener, and whilst no

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<sup>87</sup> Ibid., 2 May 1868.

<sup>88</sup> 1861 Census, (470)

<sup>89</sup> Gravesend and Dartford Reporter, 27 February 1858.

<sup>90</sup> Ibid., 25 October 1856.

<sup>91</sup> CKS Gravesend Petty Sessions Minutes, 14 November 1873; Gravesend and Dartford Reporter , 2 August, 22 November 1873.

evidence has been found to prove that he ran this address as a brothel, four years afterwards he was convicted for this offence at his subsequent address in near-by Clarence Street, so it remains a possibility.<sup>92</sup> On that occasion the charge was that he harboured prostitutes to the annoyance of neighbours. In 1871 Harriet Herrington, described as a prostitute twice in the Magistrates' Court in late 1870 and early 1871 lived at number eighteen Peppercroft Street.<sup>93</sup> Harriet was described on the 1871 census as nurse to labourer Frederick Patten and his family, with whom she was boarding. Ten years later Sarah Darge, whose life story was related in Chapter 2, was lodging at the same house, thus continuing the association between the address and prostitution.<sup>94</sup>

This district was also home to several Gravesend borough police officers throughout the whole of the period of this study. There is no evidence to suggest why some streets should have had a disproportionately high number of police officers as residents, but scholars have cited the constraints of disposable income, the structure of the town, access to employment and the socio-economic structure of the community as possible influences on residential choices.<sup>95</sup> Each of these is clearly applicable in the present case, together with the possibility that notification of vacant properties was passed by word of mouth through co-workers' networks. At the hearings of the two cases against Westlake for keeping a brothel several police constables were in attendance to prove the charges. It is not known whether any of Westlake's past or current neighbours was amongst these witnesses, but clearly any such officers would have had first-hand knowledge of activities at the address.<sup>96</sup> PC William Barfield for

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<sup>92</sup> *Gravesend, Milton and Northfleet Directory and Advertiser* (Gravesend: Thomas Hall 1870), p. 23; *Gravesend and Dartford Reporter* 1 August 1874.

<sup>93</sup> 1871 Census, (891, 57:53).

<sup>94</sup> 1881 Census, (872, 34:17).

<sup>95</sup> *The Structure of Nineteenth Century Cities*, ed. by James H. Johnson and Colin G. Pooley (London: Croom Helm, 1982), p. 206.

<sup>96</sup> *Gravesend and Dartford Reporter*, 2 August 1873.

example, was living in Peppercroft Street at the time of the prosecutions, and PCs Edward Baker, Robert Flinn and Alfred Jarvis all lived round the corner in Peter Street.<sup>97</sup> The parents of PC John Jayne, who himself had been resident in Peppercroft Street prior to moving the short distance to Wellington Street, were still living there at the time of the charges brought against Westlake.<sup>98</sup> Numbers fifty-eight and seventy-one Peppercroft Street were both licensed premises. The Prince Regent at number seventy-one appears to have been used by prostitutes who lived in the area. Elizabeth Mitchell and another unnamed 'unfortunate' met a sailor named Daniel Austin there and took him to the brothel at North Cottage.<sup>99</sup> This area was also the scene of drunk and disorderly incidents involving prostitutes, such as the one involving Elizabeth Miller in 1864.<sup>100</sup>

Clarence Street (see Map 4.5) ran parallel with Peppercroft Street and according to a contemporary visitor, contained a number of 'small eating houses, convenient to the humbler classes, where coffee, tea and shrimps are supplied at small expense'.<sup>101</sup> Clarence Street also had well-established connections with prostitution. The 'notorious' North Cottage, which has been mentioned previously, had a long-standing reputation as a brothel and several proprietors were convicted of the offence at this address during the period between 1856 and 1873. Number thirty-five Clarence Street was the childhood home of prostitute Sarah Darge, who was charged with fighting Mary Ann Street in Clarence Street in 1873.<sup>102</sup> The arresting officer was PC Alfred Tate who himself lived

<sup>97</sup> 1871 Census, (891, 59:57), (891, 74:14), (891, 75:16).

<sup>98</sup> 1861 Census, (470, 195:55); 1871 Census, (890, 122:52); *Hall's Gravesend, Milton and Northfleet Directory and Advertiser* (Gravesend: Thomas Hall, 1870).

<sup>99</sup> *Gravesend and Dartford Reporter*, 20 September 1862.

<sup>100</sup> *Ibid.*, 9 April 1864.

<sup>101</sup> Brabazon, *Month at Gravesend*, p. 34.

<sup>102</sup> *Gravesend and Dartford Reporter*, 15 September 1873;

a short distance away in Windmill Street.<sup>103</sup> Number thirty-four Clarence Street was run as a brothel by William Elvidge for which offence he was convicted in 1874.

The evidence relating to arrests for soliciting (Map 4.2) clearly shows that the contest for public space did not operate in the same way in the Peppercroft Street/Clarence Street district as in the High Street/West Street District. The former was predominantly a mixed working class residential area and did not have the same degree of pedestrian traffic as the town centre, thus there were therefore fewer reported arrests for soliciting. However prostitutes who plied for trade in the public houses and streets of the central district often brought men the short distance back to the brothels and lodging houses of the Peppercroft Street district for business, and this district witnessed high levels of prosecutions for drunkenness and brothel-keeping. The case of Mary Patrick and William King serves as an illustration of the way in which prostitution operated between this district and the town centre (Map 4.6). From the evidence given at the court hearing of the case against Mary, it appears that she ‘accosted’ William in the High Street (A) and asked him to buy her a drink. She then took him to the King’s Head public house on King Street (B) and then afterwards to her lodgings in Clarence Street (C), the street number of which is not known.<sup>104</sup>

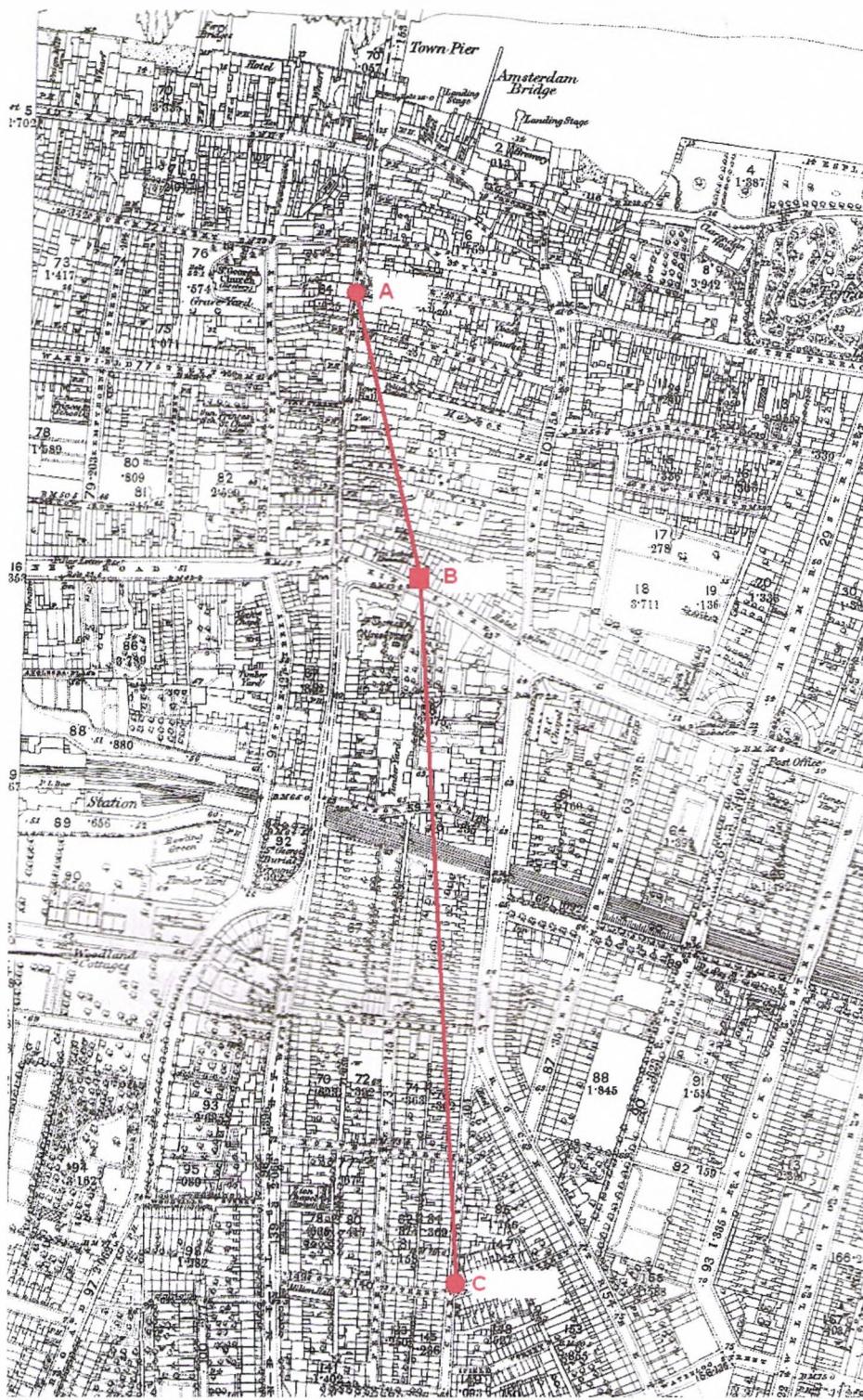
Prostitutes were regularly arrested for drunkenness and for fighting in the street here, and the district was home to numerous public houses used by prostitutes and to numerous brothels (as evidenced by reported prosecutions of publicans and of brothel-keepers). Clearly therefore, the Peppercroft and Clarence Street district reveals close spatial relationships between prostitutes, brothel keepers and individual police officers

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<sup>103</sup> 1871 Census, (893, 39:9).

<sup>104</sup> *Gravesend and Dartford Reporter*, 5 December 1857

**Map 4.6: The Geography of Prostitution, Gravesend: Mary Patrick and William King, 1857**



Source: *Gravesend and Dartford Reporter*, 5 December 1857

over a long time period. The social mix of the area included the respectable and non-respectable working class, which may explain why police were more successful in securing the supporting testimony of residents in their prosecutions of brothel keepers here, than in the town centre, for example those of Sarah Jael in 1871 and of William Elvidge in 1874.<sup>105</sup> The social mix of this area was distinct from that in the town centre since on the whole, the middle classes had no reason to come here. These findings have implications for the question of mistaken identity since less reliance could be put on signals such as dress as a means of distinguishing prostitutes from other women. In these circumstances it is likely that police officers relied less on visual indicators than on personal knowledge of the local prostitutes and that this was enhanced by community ties of extended family, residence and shared housing. The focus of this discussion now turns to an exploration of the geography of policing in Gravesend in the third quarter of the nineteenth century.

## The Geography of Policing

Gravesend was policed by a borough force that was answerable to a Watch Committee comprising elected local councillors. It has already been seen in the previous chapter that, at a ratio of 1:818, the police strength in Gravesend bettered the contemporary benchmark figure of one officer per 1,000 population by 1870. There was a professional expectation that each officer should become well acquainted with his beat and with the community that lived on it. Instruction booklets drawn up 1851 specified the importance of officers being able to identify individual residents:

It is indispensably necessary that he should make himself perfectly acquainted with all parts of his beat, and with the streets, thoroughfares, courts, and houses within it. He will be expected to

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<sup>105</sup> *Ibid.*, 8 July 1871, 1 August 1874.

possess such knowledge of the inhabitants of each house as will enable him to recognize their persons. He will thus prevent mistakes, and be enabled to render assistance to the inhabitants when called for.<sup>106</sup>

Clearly this degree of detailed local knowledge represents an expectation rather than an achievement and it is difficult to ascertain with any certainty how far it was realised in practice. However, as this discussion will show, evidence suggests that many experienced officers did meet these expectations and that the full labour force that the Watch Committee was prepared to pay for impacted on the effectiveness of the regulation of street prostitutes.

Historians have debated whether members of early police forces achieved full integration into the communities in which they lived and worked, or whether on the other hand they were expected to remain detached and objective.<sup>107</sup> Full integration is not, however, a pre-requisite of familiarity and working knowledge. The local acquaintance and community ties of individual officers working the streets of Gravesend was derived from family and personal connections and networks, longevity of service and local residence. These impacted on the policing of prostitution in the sense that, as the Gravesend evidence suggests, officers were familiar with the streetwalkers who worked on their territory.

A study of the individuals employed by the Gravesend Borough Police Force and the geographical boundaries within which they lived and worked provides some indication of the men's likely acquaintance with local residents. A total of sixty named policemen have been identified as having been employed by Gravesend Borough

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<sup>106</sup> *Rules, Regulations and Directions for the Instruction and Guidance of the Police Force of the Borough of Gravesend*, paragraphs 34-35.

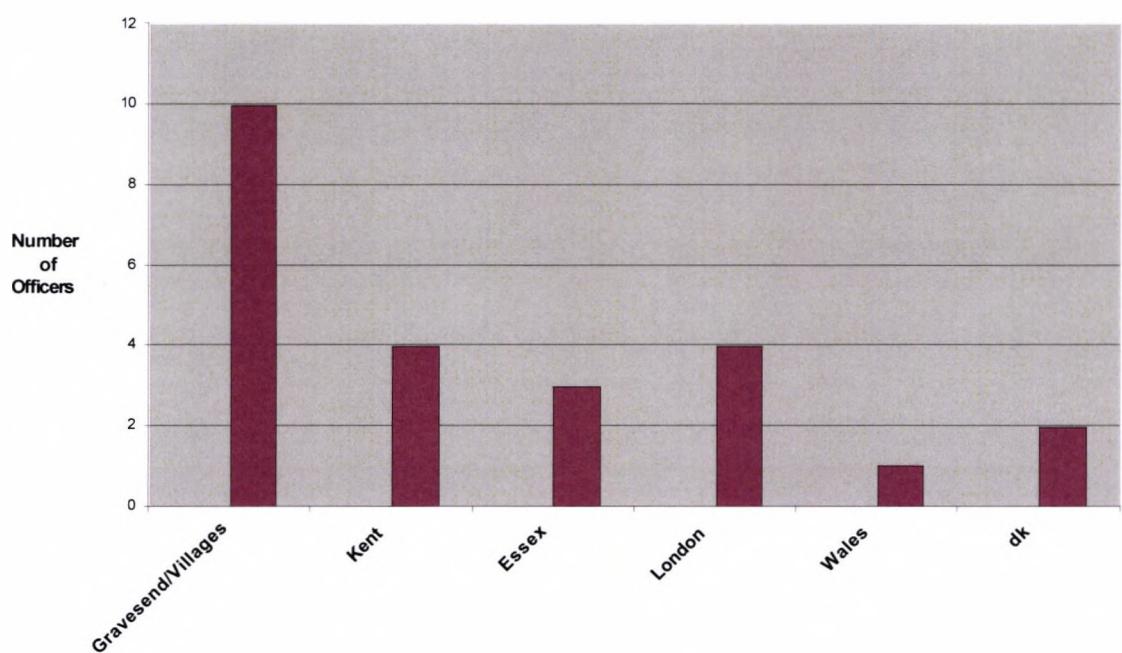
<sup>107</sup> See for example, David Taylor, *The New Police in Nineteenth-Century England: Crime, Conflict and Control* (Manchester: Manchester University Press, 1997), p. 55.

between 1861 and 1901 although the total number of men employed during this period is not known. For purposes of statistical significance therefore the following analysis is based on the cohort of twenty-three named officers known to have been in post in 1870, the first year of operations under the CD Acts in the town, since has been established that a total of twenty six men were employed at this time. Using a methodology of nominal record linkage similar to that described in Chapter 2, outline life and career histories have been reconstructed for this group of twenty-three men from Watch Committee records, press articles, census materials and general registration records. This analysis looks at family backgrounds, length of service, residence patterns and employment histories in order to measure the likely degree of their community knowledge.

Ten of the twenty-three (38%) were born locally, either in Gravesend itself or in one of the surrounding villages situated within a ten mile radius, such as Chalk, Cobham and Cliffe (see Figure 4.1). A further four were born elsewhere within the county, two within twelve miles. Thus half of the group were born and raised locally. Local origins and connections have important implications for the question of community integration. Even if, as scholars have argued, the officers themselves were expected to retain a professional degree of detachment and objectivity, those who had grown up locally had, as this discussion will demonstrate, extended family and other personal networks and connections within the town.

The men had a mixed previous employment history. The majority had previously been labourers or had worked in the traditional trades. They include a soldier, a blacksmith, a baker, a groom, an errand boy and a ticket clerk. George Goodwin had gained experience both as a thatcher and a railway watchman before

**Figure 4.1: Gravesend Police Officers 1870 Cohort: Places of Origin**



Source: Census materials 1851-1901; Gravesend and Dartford Reporter, 1856-1879

joining the force.<sup>108</sup> The diversity of this sample supports Emsley's contention that 'more often the police drew on what they could get from the local pool of labour'.<sup>109</sup> Parents' occupations have been established from census records for seven of the 1870 group, and include an upholsterer, a fisherman, an agricultural labourer, a widowed charwoman, a shipwright and a baker/confectioner. The larger group of sixty officers who served in Gravesend between 1861 and 1901 reveals a similar picture. These counted farm labourers, carpenters, a mariner, a laundress and a charwoman amongst their parents. Gravesend policemen were therefore drawn from labouring or skilled working class backgrounds.

One of the notable features of the 1870 Gravesend cohort is their substantial average length of service (Figure 4.2). Whilst there are many examples of the high turnover characteristic of early policing, the large majority served for significant periods of time. It may well be true that: 'Policing was just another job to be tried when trade was depressed' rather than with any idea of a career in mind, but once having joined, evidence shows that many of this group went on to establish a career and achieve promotion.<sup>110</sup> Ten of the officers served for between ten and twenty years, seven for between twenty and thirty years, whilst Edward Davis achieved the distinction of a police career of over thirty years. Thus 78% of the 1870 group were to serve for ten years or longer, putting the Gravesend Borough force in the vanguard of the late nineteenth-century emergence of the 'career policeman'.<sup>111</sup> Seven of the group

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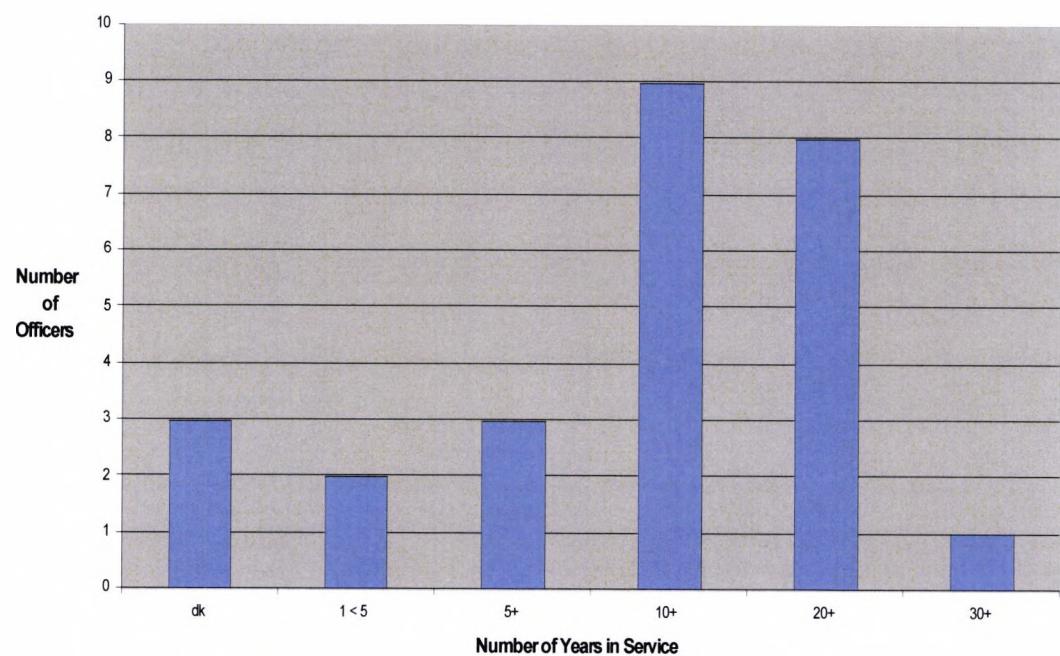
<sup>108</sup> 1851 Census, (160, 845:13); 1861 Census, (468, 24:12).

<sup>109</sup> Emsley, *English Police*, p. 197.

<sup>110</sup> Emsley, *English Police*, p. 199.

<sup>111</sup> Steedman, *Policing the Victorian Community*, p. 92.

**Figure 4.2: Gravesend Police Officers 1870 Cohort: Length of Service**



Source: Census materials 1851-1901; Gravesend and Dartford Reporter, 1856-1879

achieved promotion to sergeant, and one, George Chapman, to Detective Inspector. Local-born, general labourer Chapman joined the Gravesend Borough force at the age of thirty, just one year following the arrival of the new head constable, Superintendent White. He remained for over twenty years before taking up the position of Pier Master.<sup>112</sup>

Some police forces preferred to recruit single men but others believed family men to be more steady and resistant to the temptation of sexual misconduct. Twenty of the twenty-six Gravesend officers in post in 1870 were married at this date and another married soon afterwards. Of the married officers, sixteen are known to have had children in 1871, and two more had families subsequently. John Richards and William Woodfine already had six children each, whilst Sergeant John Jayne's family was eventually to comprise nine children.<sup>113</sup> This would suggest that married officers were not only acceptable to the Gravesend Watch Committee but that family men were positively encouraged.

Thus, as far as can be established from the evidence, the average police officer employed by the Gravesend Borough force in 1870 had been born locally into a working-class family, had previously worked as a labourer or in the traditional trades, remained in post for a substantial length of time and married and raised a family in the community in which he worked. His children were educated and took employment within the immediate community. This combination of local connections and networks can be best illustrated by individual examples.

Edward Davis was born in Gravesend in 1846, the third child of a fisherman.<sup>114</sup> He grew up close to the river in Rope Walk, the working class district off West Street

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<sup>112</sup> 1871 Census, (893, 56:43).

<sup>113</sup> 1871 Census, (891, 85:36), (893, 75:15); 1881 Census, (874, 65:19).

<sup>114</sup> 1851 Census, (1608,103:27), 1871 Census, (892, 20:320), 1881 Census, (873, 88:29).

previously described. Neighbours included agricultural labourers, watermen, fishermen and a wharfinger. Davis joined the police in his early twenties, and moved between various addresses in the centre of town with his wife and growing family of six children. His parents meanwhile had moved from Rope Walk to live with Davis' sister who had married a journeyman bricklayer and lived in Bath Street, close to Davis' own home, where in 1871 he was living next door to colleague Charles Barnaschina. Davis was promoted to merit class for good conduct and long service at the age of twenty-nine, and to sergeant by his mid-thirties.<sup>115</sup> By his mid-fifties, still a police sergeant, Davis had moved to Lynton Road, a more prestigious residential locality where neighbours included school masters, clerks, and a commercial traveller.<sup>116</sup> Davis therefore had an upbringing in the town's densely populated central working class district, extended family living close-by in the town and local contacts forged by raising six children. Davis provided evidence in the 1875 prosecution of publican John Macgregor for harbouring prostitutes, corroborating that of his colleague PS John Jayne.<sup>117</sup>

William Barfield provides another example of an officer with extensive local connections. Barfield was a Gravesend boy, son of a baker and confectioner.<sup>118</sup> His father deserted the family and 'absconded' with a servant girl thus reducing his family to poverty and refuge in the union when William was aged fifteen and employed as an errand boy.<sup>119</sup> By the age of twenty-three he had joined the Gravesend Police Force, and the following year's census finds him, as has been seen, married and living in Peppercroft Street in a house that was also home to a labouring couple.<sup>120</sup> The Barfields

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<sup>115</sup> *Gravesend and Dartford Reporter*, 12 February 1876.

<sup>116</sup> 1891 Census, (647, 32:16).

<sup>117</sup> *Gravesend and Dartford Reporter*, 23 January 1875.

<sup>118</sup> 1861 Census, (470, 208:19)

<sup>119</sup> *Gravesend and Dartford Reporter*, 9 August 1862.

<sup>120</sup> 1871 Census, (891, 59:57).

evidently moved the short distance to number twenty-eight Peppercroft Street sometime prior to 1874, since in April that year the new address caught fire, an event which the local paper reported as a fire 'at PC Barfield's', suggesting that this time he was the principal tenant.<sup>121</sup> A good deal of damage was apparently done, necessitating another move to number twenty-seven. Barfield therefore had connections established as a result of a local, working class upbringing and previous employment and at least four years' residence in the same street.

Charles Barnaschina broke the pattern of police officers from labouring or working-class backgrounds, being the son of a successful upholsterer. Although Barnaschina's father was born in Lambeth, it is reasonable to guess that the family had been Italian immigrants. By the time Charles was aged sixteen and also an upholsterer, his father's business was doing sufficiently well for two younger brothers to be put through private school.<sup>122</sup> Apparently having decided against working for the family business Charles joined the borough police force in 1855 aged twenty, where he grew to be 'much respected as an intelligent and well conducted officer'.<sup>123</sup> When he married he set up home in New Road, not far from where he had grown up, a mixed neighbourhood of commercial and residential premises.<sup>124</sup> Next door was a beer-shop, and other neighbours included a shell-fishmonger as well as skilled tradesmen and women such as a milliner, a tailor and a carpenter. His brother Anthony, a furniture broker lived at number fifty-eight until he took over the family business and took premises in the High Street, coincidentally next to the police station.<sup>125</sup> Charles remained living at the same address for over twenty years, during which time he was

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<sup>121</sup> *Gravesend and Dartford Reporter* 18 April 1874.

<sup>122</sup> 1851 Census, (1608, 34:3).

<sup>123</sup> *Gravesend and Dartford Reporter*, 13 June 1868.

<sup>124</sup> 1861 Census, (471, 35:16), 1871 Census, (892, 20:32).

<sup>125</sup> *Hall's Gravesend, Milton and Northfleet Directory and Advertiser* (Gravesend: Thomas Hall, 1875), p. 10.

appointed police station clerk, which perhaps suggests a higher level of education than his contemporaries, and was promoted to sergeant in 1873. Barnaschina provides a further example of community knowledge and ties derived from a local upbringing, previous local employment, extended family and permanence of residency.

The residential patterns of the 1870 cohort of Gravesend policemen provide further evidence of their local connections. Steedman has observed that: 'The type of place a policeman lived in was important, for it was there that contact with a local population was most consistent, and there that the policeman was most consistently seen to be *doing*'. Charles Booth, investigating police in London at a slightly later date, discovered most policemen living in neighbourhoods classified as 'comfortable working class', and the residential patterns of Gravesend policemen support this finding.<sup>126</sup> One of the most significant differences between employment in one of the borough police forces and in the county constabulary was permanence of residency, which clearly impacted on how well any given officer knew the territory he policed. The employees of county forces experienced numerous relocations whereas in the Gravesend borough police force individual policemen frequently lived in the same neighbourhood and frequently even the same house throughout their police careers.

Analysis of the addresses of the 1870 Gravesend group reveals a cluster pattern, with high concentrations of policemen resident in certain neighbourhoods. Police officers frequently took lodgings with local families whilst single, and once married often shared accommodation in dual occupation houses with other families. For the most part this appears to have been relatively recently-built housing stock, a short distance away from the immediate town centre area. One exception to this pattern was Police Constable Henry Easterby who lived with his wife, four sons and a nephew in

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<sup>126</sup> Quoted in Emsley, *English Police*, p. 211.

Map 4.7: Police Officers' Residences, Gravesend 1851-1891



Source: Census reports 1851 – 1901

West Street.<sup>127</sup> Two of the boys were employed as errand boys to local tradesmen, and their neighbours included a clog and patten maker, a baker and a sawyer. Three Gravesend officers lived in Peter Street; PC Robert Flinn at number eight with his wife and one child, and PC Alfred Jarvis at number ten with his wife, four children and a boarder. PC Edward Baker and his wife lived close-by at number twenty-one.<sup>128</sup> The houses in Peter Street were inhabited as single-family dwellings, and these police officers' neighbours were mostly employed in the traditional trades such as carpenter, blacksmith, bricklayer, seaman instructor and shoemaker.

The small neighbourhood of terraced streets formed by the intersections of Trafalgar Road, Nine Elms Grove, Arthur Street, Cutmore Street and Brandon Street (area 2 on Map 4.7) was built between 1840 and 1860, and was home to many Gravesend policemen between the years 1860 and 1890.<sup>129</sup> In the midst of this neighbourhood a woman called Ann Gurney ran her home in Cutmore Street as a brothel, at an offence for which she was convicted in 1874 and served a three month custodial sentence.<sup>130</sup> Inspector George Chapman was a neighbour at the time and PCs Henry Dartnall, John Fitch, George Goodwin and John Richards were also resident. Dartnall was still living at the same address twenty years later. The houses in this neighbourhood were inhabited as single family dwellings, though families varied in size from that of PC Richards at twenty-four Arthur Street with a wife, six children and a boarder, to Mary Benstead, a sixty-eight year-old annuitant who lived only with her granddaughter at number twenty-two.<sup>131</sup> A small number of families took one or more lodgers, but houses were not let as smaller units. Residents included a cab driver, a

<sup>127</sup> 1861 Census, (471, 42:30).

<sup>128</sup> 1871 Census, (891, 74:140), (891, 75:16).

<sup>129</sup> Hiscock, *History of Gravesend*, p. 88.

<sup>130</sup> CKS Gravesend Petty Sessions 4 May 1874; *Gravesend and Dartford Reporter*, 9 May 1874; Hall's *Gravesend, Milton and Northfleet Directory and Advertiser* (Gravesend: Thomas Hall, 1875), p. 30.

schoolmistress, gardeners, labourers, a baker, a greengrocer, carpenters, an upholsterer and two unemployed. One or two of the residents appear to have been somewhat more prosperous than their neighbours, for example freeholder Samuel Mawley at nineteen Trafalgar Road who lived with his wife and four children and employed a general servant, but generally this appears to have been a comfortable working class neighbourhood. .

Near-by Zion Place was home to several police families in the years after 1870. The houses here were built by a local builder and surveyor in the 1840s and were sold on after his death.<sup>132</sup> Sergeant George Martin lived at number six in 1871, Sergeant Alfred Radcliffe at number two in 1881 and Constable John Pemberton at number six in 1901 following his retirement.<sup>133</sup> In Enfield Terrace, unmarried PC Samuel Wood lodged at number eighteen with his colleague Edward Harris and family, and PC Joseph Baldwin lived nearby at number thirteen with his wife and three children.<sup>134</sup> When PC Wood arrested prostitutes Susetta Burles and Isabella Rayfield for offences committed in West Street in 1875 therefore, he had been on duty very close to his own home in Enfield Terrace at the time of the arrest.<sup>135</sup> The houses here were also mostly inhabited by single family units, headed by mariners and watermen, railway porters, and by traditional tradesmen such as a carpenter and a painter.

The life-story of Henry Dartnall, who has already been mentioned, provides a further illustration of the local ties posed by one police officer. He was the eldest son of a farm labourer and was born and brought up in Chalk, a village on the outskirts of Gravesend. He had previously been employed as a groom at East Court, the home of

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<sup>131</sup> 1871 Census, (893, 75:15).

<sup>132</sup> Gravesend Public Library, Local Studies Collection, Sales Particulars at or Near Gravesend 1846.

<sup>133</sup> 1871 Census, (893, 42:15); 1881 Census (874, 65:20); 1901 Census (74, 37:23).

<sup>134</sup> 1871 Census, (892, 54:48).

<sup>135</sup> *Gravesend and Dartford Reporter*, 25 September 1875.

William Brown, local landowner and farmer.<sup>136</sup> In 1866 at the age of twenty-six Dartnaill was appointed to the Gravesend Borough Police Force on probation, at about the same time as he married and started a family.<sup>137</sup> Five years later he was established at an address in Nine Elms Grove (area 2 on Map 4.7), with a wife and three small children, a mixed working class community where neighbours included a railway shunter, a laundress and an actress.<sup>138</sup> The 1878 newspaper report of a fire in the house of one of Dartnaill's neighbours in Nine Elms Grove, at which he attended and extinguished the fire, suggests good neighbourly relations.<sup>139</sup> An accomplished cricketer, Dartnaill remained with the Borough Police force and lived at the same address for twenty years until the 1890s, when he took employment as watchman with the Port Authority and moved the short distance into Cutmore Street.<sup>140</sup>

The spatial relationships between policemen and members of the communities they policed as outlined here have implications for an understanding of how well individual officers were acquainted with the residents of the town. For example when PC George Bevan arrested Kate Trew in West Street for being disorderly after she had been 'put out' of the India Arms, he was just over one mile from his own home in Brunswick Road where he had lived for at least the past two years, and when he arrested Emma Smith in King Street the following month, he was just over half a mile away. Emma's arrest record indicates that she frequented the small area close to High Street, King Street and Stone Street over a period in excess of six years.<sup>141</sup> Similarly, Constable Robert Flinn had at least nine years experience on the streets of Gravesend

<sup>136</sup> 1861 Census, (473, 79:16).

<sup>137</sup> CKS Gravesend Watch Committee Minutes, 13 March 1866.

<sup>138</sup> 1871 Census, (893, 82:30).

<sup>139</sup> *Ibid.*, 9 March 1878.

<sup>140</sup> *Gravesend and Dartford Reporter*, 12 August 1871; 1891 Census, (647, 118:35).

<sup>141</sup> CKS Gravesend Petty Sessions Minutes, 24 November 1873; 25 May 1874; *Gravesend and Dartford Reporter*, 7 August 1880.

when he arrested Catherine Martin in High Street near Three Tun Yard in 1873, and was less than a mile away from his own home in Peter Street.<sup>142</sup> When George Goodwin gave evidence against Jacob Beard for harbouring prostitutes at the 'India Arms' and testified that that the pub was the habitual resort of prostitutes and that he had watched four enter the premises, he had ten years experience of patrolling beats in the town.<sup>143</sup>

Historians have urged caution when attempting to assess community consciousness in the past given the problematic nature of sources and of interpretation.<sup>144</sup> It is clearly difficult to assess the degree to which Gravesend Borough police officers may have achieved integration into or felt part of the communities in which they lived and worked. However, community integration is not necessary for knowledge and acquaintance, and evidence suggests that the officers had a good working knowledge of the inhabitants of their immediate neighbourhoods and the beats on which they worked.

## Women in Public and Public Women

The threat caused by the breakdown of public boundaries between pure and fallen women is most clearly reflected in debates relating to the presence of 'respectable' women on the streets. Recent scholarship has challenged historians' accounts that emphasised the middle-class woman's restriction to the domestic sphere, thus ignoring her presence in public places, a process that has been described as the 'writing-out of middle-class women from the spaces of the city'.<sup>145</sup> Mary Ryan argues that 'To search

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<sup>142</sup> CKS Gravesend Petty Sessions Minutes, 3 December 1873.

<sup>143</sup> *Gravesend and Dartford Reporter*, 13 February 1875.

<sup>144</sup> See for example, the discussion in Robin Pearson, 'Knowing One's Place: Perceptions of Community in the Industrial Suburbs of Leeds, 1790-1890' *Journal of Social History* 27 (1993), 221-244 (p. 222).

<sup>145</sup> Lynda Nead, *Victorian Babylon: People, Streets and Images in Nineteenth Century London* (Newhaven: Yale University Press, 2000), p. 67.

for women in public is to subvert a longstanding tenet of the modern Western gender system, the presumption that social space is divided between the public and the private and that men claim the former while women are confined to the latter.<sup>146</sup> Women of all classes, Ryan argues, took to public spaces over the last quarter of the nineteenth century for routine shopping and recreation.

Direct evidence relating to middle-class women's presence on the streets of Gravesend is scarce, but inference may be drawn from the busy calendar of religious, philanthropic and cultural events that took place in the town. The Assembly Halls (otherwise known as the Grand Theatre) in Harmer Street hosted a wide range of secular, sacred and comic concerts and performances, including those given by the Gravesend Philharmonic Society, the Gravesend Glee and Madrigal Society and the Gravesend and Milton Amateur Dramatic Club. The Gravesend and Milton Church Union met at the Assembly Halls, whilst Rev. William Guest gave historical lectures at the Congregational Church. These, taken together with the evidence regarding patterns of retailing and shopping, suggests that it is too simplistic to assume that middle-class women were restricted to the home other than when buying provisions. However, according to Ryan, middle-class women's presence in public spaces and in particular on the street was 'monitored with special care', and strategies developed for their regulation and protection. Amongst these was the concept Ryan refers to as the 'cartography of gender', by which women adhered to their own 'mental maps' of the town and avoided certain areas. Croll has likewise referred to the 'mental maps that late Victorians may have taken with them as they stepped into the highways and byways of the town'.<sup>147</sup> These 'mental maps' would clearly not have taken middle-class

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<sup>146</sup> Ryan, *Women in Public*, p. 4.

<sup>147</sup> Croll, *Civilizing the Urban*, p. 75.

Gravesend women to West Street or to High Street, the sites of the numerous recorded incidents related to prostitution, late at night.

Working-class women clearly ran a greater risk of being mistaken for a prostitute. Field labourer Ellen Hartley, for example, fell foul of the pressure put on the police to suppress streetwalking and obstruction of the pavement when she was arrested having gone out to buy sugar and tea at eight thirty in the evening after returning from work, when she stopped to chat with friends on the street. The case against Ellen was dropped although she was warned by the bench 'to inform her friends that they must not assemble on the footpaths.'<sup>148</sup> The inference is that for magistrates and police it was not women's presence on the street in itself that created the possibility of being mistaken for a prostitute, but specific behaviour such as loitering that was easily mistaken for soliciting. As was seen in the previous chapter, increasing emphasis was placed on speed and movement through the public streets over the course of the nineteenth century, and arguably this applied especially to women.<sup>149</sup> It is noteworthy that Ellen was not arrested whilst walking to or from her place of work but having stopped to chat with friends.

As this study has shown, women who earned money from prostitution in Gravesend often lived and worked in close proximity to the very centre of middle class commercial and administrative life. They did not therefore, inhabit 'a different world, both morally and geographically' from the rest of the local community, but instead, they shared geographical territory with the so-called respectable classes.<sup>150</sup> Thus a discourse of 'otherness' was entered into, whereby these women's differentiated moral status was

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<sup>148</sup> *Gravesend and Dartford Reporter*, 12 October 1861.

<sup>149</sup> See Croll, *Civilizing the Urban*, p. 68.

<sup>150</sup> David Taylor makes this observation in relation to the criminal classes, but it applies equally well to prostitutes; *Crime, Policing and Punishment*, p.49.

constructed in physical terms as a means of marking them as different from other women in public places.

As Simon Gunn has discussed, the local press had a role to play in the construction of this discourse, using descriptions of physical appearance to classify individuals as 'social types', thus providing a sociological guide to the streets and restoring order to the confusion of sense impressions.<sup>151</sup> This brand of journalistic caricature was used to 'reinforce particular notations of gender and sexuality' and thus contributed to the process of visual differentiation between different classes of women in public.<sup>152</sup> Written for the consumption of a predominantly middle-class and upper working class audience, newspaper reportage reinforced the moral code of, and played to the prejudices of, its audience. It contributed to the discourse on prostitution by means of the propagation of stereotypical images that were created and conveyed by the choice of euphemism and the use of language and tone.

A review of the reportage of court cases involving prostitutes in the *Gravesend and Dartford Reporter* reveals that the language employed in descriptions of prostitutes' appearance and dress served to create a range of stereotypes that would have been familiar to contemporary readers from the wider public discourse. One of the most common methods of the propagation of stereotyped images of the prostitute was by means of coded descriptions of her appearance, particularly of her physique and style of dress. The flamboyant style of dress adopted by many prostitutes always merited mention in the Kentish press, and confirms what Gunn has observed about the way in which 'journalistic caricature' differentiated between prostitutes and ladies, the latter of

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<sup>151</sup> Gunn, *Public Culture* p. 68.

<sup>152</sup> *Gravesend and Dartford Reporter*, p. 69

whom were distinguished by naturalness of appearance and manners. By implication, streetwalkers were distinguished by the very reverse.<sup>153</sup>

The *Gravesend and Dartford Reporter* indulged in vivid and value-laden descriptions of prostitutes' dress and appearance, the emphasis usually being on ostentation, the implication being that this was inappropriate and unacceptable for a woman of this class: 'a prostitute, dressed in showy style', 'a fashionably dressed prostitute' and 'two unfortunates, each showily attired' being examples.<sup>154</sup> The occasional deviation from the rules of this recognised code of dress seems to have caused Gravesend's court reporters some confusion, as in the case of 'a girl of respectable appearance but described as an unfortunate' and of Ann Jones, 'said by the police to be a prostitute' who broke with convention when she wore 'a good morning attire' without a bonnet.<sup>155</sup> The flamboyance of prostitutes' dress was in marked contrast to the demure style expected of 'respectable' middle-class and working-class women, though readers were reminded that this could be superficial and illusory. Eliza Richardson for example, was described as wearing 'no bonnet but her hair was worn in a velvet not (sic) in the prevailing fashion, and her dress of dubious cleanliness was also properly distended by the hoop very important now to female attire.'<sup>156</sup>

The question of identity can be further explored with reference to the court hearings of charges brought against prostitutes, which suggest that the Gravesend police had good working knowledge of which women in the town were prostitutes. The officers called to give testimony in court were frequently able to identify the women by name, and the degree of detail in these cases does carry the weight of

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<sup>153</sup> *Ibid.*, p. 69

<sup>154</sup> *Ibid.*, 19 May 1860; *Maidstone & Kentish Journal*, 16 December 1871; *Gravesend and Dartford Reporter*, 18 November 1865.

<sup>155</sup> *Ibid.*, 5 October 1861, 30 September 1871.

<sup>156</sup> *Ibid.*, 21 July 1860.

conviction. However, it seems most likely that what the police 'knew' about identified prostitutes was that they were known to be such by local reputation and outward behaviour rather than by any specific knowledge of a cash exchange for sex.

Gravesend publican William Cox, landlord of the Privateer on West Street was indignant to be charged for harbouring prostitutes in 1876. Protesting against police tactics in bringing a charge that his house had been the habitual resort of prostitutes for some months past, Cox questioned the police officers' 'somewhat super-human knowledge' in alleging that five of his customers were prostitutes. Cox may well have been surprised when the officers responded by identifying each of the five women by name in court.<sup>157</sup> At the time of the incident, four of the five police officers involved in prosecuting the case, John Jayne, Henry Dartnaill, George Bevan and John Fitch had a combined total of forty-two years experience patrolling the streets of Gravesend, suggesting that through experience they did indeed know the individual women who practised prostitution in the locality. On the other hand, records show that on numerous occasions women were charged with offences and in circumstances where it would have been simple to conclude that a woman was a prostitute. That they were not described as such suggests that the police had a good reason for not doing so. Examples include Alice Selby, 'drunk and exposing her person', whose occupation was given as a hopper; Ann Clark, also 'drunk and exposing her person' described as the wife of a travelling hawker. When Bridget Sullivan and Elizabeth Miller were both arrested for being drunk and using abusive language, Elizabeth's occupation was given as 'prostitute' but Bridget was described as a hop-picker when it would have been simple to apply the same label to

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<sup>157</sup> *Gravesend and Dartford Reporter*, 10 June 1876.

both.<sup>158</sup> Norah Harris, who was found 'lying down drunk and in an indecent position' was described as the wife of a fish vendor.<sup>159</sup>

These incidents suggest that police officers in Gravesend were aware of the street prostitutes on their territory, or at least a good working knowledge of those women acknowledged within the community to be living by prostitution. Taylor has argued that it is difficult, given the paucity of records, to say with certainty how well the members of the police knew the population they patrolled.<sup>160</sup> However, when taken together with what is known about expectations of police officers' professional knowledge of the local community, some measure of their ability accurately to identify transgressors such as prostitutes and keepers of houses of ill repute can be inferred from their backgrounds, residential patterns and community networks.

## Conclusion

This case study has enabled questions relating to prostitutes' identity and public visibility, and thus the question of mistaken identity, to be examined at street level. In Gravesend prostitutes, brothel keepers and the police officers charged with regulating their activity lived and worked in close proximity to one another in districts characterised by differing levels of social mixing. Whether in the packed courts and alleys behind the premises of middle-class tradesmen in the heart of the central commercial district, or amongst the mixed working class community in Peppercroft and Clarence Streets, Gravesend's prostitutes appear to have been assimilated into their immediate neighbourhoods. The members of the local police force had often been raised in the same communities as the prostitutes themselves, they raised families in the

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<sup>158</sup> *Ibid.*, 8 September 1866.

<sup>159</sup> *Ibid.*, 30 May 1863.

<sup>160</sup> Taylor, *Victorian Town*, p. 80.

town and many had extended family, thus suggesting local knowledge and networks.

These officers' high average length of service further enhanced their acquaintance with the community, and, as was seen in Chapter 2, prostitutes themselves frequently spent several years on the street thus enhancing the chances of recognition.

The mental maps developed by so-called 'respectable' women to negotiate their way through the public streets with safety, together with the codes of dress adopted by different classes of women as signifiers of status cast new light on the debate on mistaken identity in relation to the CD Acts. This combination of evidence leads to the conclusion that, in a town the size of Gravesend, there was little likelihood of a working-class woman being mistaken for a prostitute on the streets and even less likelihood of a middle-class woman being so mistaken. The question is begged therefore why this question attained such prominence within the abolitionist discourse, such that it was investigated by the 1882 Select Committee.<sup>161</sup> One possible answer is that the repeal movement bought the support of the respectable working classes for its cause by overstating the threat posed to them by the operation of the CD Acts. Respectability was a positive moral force, which as Zedner argues, the urban poor themselves strove to maintain and thus appeals for support for a cause based on sympathy for the plight of admitted prostitutes would have met with limited success.<sup>162</sup> In investigating the issue of mistaken identity this case study raises a number of questions relating to the routine policing of prostitution in one subjected district. This study now turns to an investigation of the operation of the CD Acts in the ports, garrisons and dockyards of Kent.

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<sup>161</sup> Select Committee 1882, p. xviii.

<sup>162</sup> See Lucia Zedner, *Women, Crime and Custody*, p. 18.

## 5: The Contagious Diseases Acts in Kent

For reasons of geography, ten of the sixteen English districts made subject to the controversial Contagious Diseases Acts were situated in the county of Kent, yet these have received little attention from historians.<sup>1</sup> The consensus view of the Acts, disseminated through the academic literature into popular history, is based largely on evidence relating to the south coast ports of Plymouth and Southampton. This reading asserts that the legislation was applied strictly and policed punitively, and that it met with the widespread opposition of working prostitutes who were encouraged and supported in demonstrations of resistance and non-cooperation by middle-class female repeal activists. This reading is not, however, supported by evidence related to the subjected districts of Kent. This suggests that in many places the Acts had limited impact particularly when compared with the regulation of prostitution by local police. In addressing itself to this discrepancy this chapter utilises local evidence and combines quantitative and qualitative techniques to evaluate the impact of the legislation at ground level on the individual women directly affected in Kent, a strategy that provides a different perspective from that gained from centralised sources alone. In broadening the scope of the study of the CD Acts to the county of Kent this chapter additionally responds to F.B. Smith's call for further 'detailed local studies' that investigate the Acts at district level.<sup>2</sup>

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<sup>1</sup> With the exception, as discussed previously, of Joyce, *Chatham Scandal* and Cheney, *Hateful Ordeal at Seven Star Street*.

<sup>2</sup> Smith, 'Contagious Diseases Acts Reconsidered', footnote 43, p. 208.

The three Contagious Diseases Acts of 1864, 1866 and 1869 formed part of a wave of late nineteenth-century legislation in the areas of health and social welfare that also included the Vaccination Acts and the 1866 Sanitary Act. Introduced in response to high levels of venereal disease amongst the armed forces, which according to Florence Nightingale accounted for half of all sickness cases in the army at home, the Contagious Diseases Prevention Act received Royal Assent on 29 July 1864.<sup>3</sup> The Act attributed the problem of venereal disease to prostitution and proposed by way of a solution the regulation of prostitutes by means of compulsory medical surveillance, along similar lines to that long practised in France. The regime of regulation and inspection introduced under the Act, which was made increasingly more rigorous under the two subsequent amendments, has been widely discussed both by the contemporary campaign for repeal, and by modern historians. A brief overview is therefore sufficient here, and will focus on the operation of the Acts in Kent.

The 1864 Act made provision for a police officer to instruct any woman he either knew or suspected to be involved in prostitution to undertake to be medically examined for signs of sexually transmitted disease. If she was found to be infected, the law provided for the detention of the woman in hospital for mandatory medical treatment for a period of up to three months. A woman could choose to submit to examination voluntarily and sign a voluntary submission form to this effect, thus bypassing the requirement to appear before a Justice of the Peace in Petty Sessions to be ordered to be examined. Contemporary critics of the Acts observed that compliance was not in fact 'voluntary' since the law also provided for the prosecution through the courts and custodial sentencing of women who did not comply. Additionally, brothel keepers whom it was felt had reasonable grounds for believing that a prostitute was

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<sup>3</sup> For a detailed account of the formulation of the legislation and the processes leading to its enactment, see McHugh, *Prostitution and Victorian Social Reform*, pp. 35-52.

infected could be fined or imprisoned for allowing them to remain on the premises. The Act did not provide for the medical examination of soldiers and sailors.

The 1864 Act was applied to eight garrison and dockyard towns in England and three in Ireland. Amongst these were three military installations in Kent and one in Kentish London, three naval dockyards and one military camp. These consisted of six parishes surrounding Chatham, three parishes at Shorncliffe on the southeast coast near Folkestone, one parish and one township at Sheerness on the Isle of Sheppey and three parishes in Woolwich. Operations under the legislation could only commence once a hospital within fifty miles had been officially certified, which entailed making arrangements for the moral and religious rehabilitation as well as the medical treatment of women found to be diseased. The 1864 Act therefore came into effect in Sheerness on 20 October 1866, in Woolwich on 14 November 1866, in Chatham on 19 November 1866 and in Shorncliffe not until 27 August 1869.

Of the four Kentish districts Chatham had the largest prostitute population with 216 individual women registered during the first year of operations in 1866. In Sheerness a total of 66 women were registered, in Woolwich 113 and 119 at Shorncliffe.<sup>4</sup> It is likely that these statistics, compiled by the Metropolitan Police, substantially under-recorded the total number of women actually profiting from prostitution in these districts since a number of contemporary observers in the subjected districts, invited as witnesses before the Royal Commission and Parliamentary Select Committees gave evidence to this effect. Many of these

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<sup>4</sup> All statistics taken from *Annual Report of Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts 1881*, PP 1882 (291) LIII, (hereafter *Annual Report of Assistant Commissioner 1881*), pp. 9-13.

testified that from their own knowledge of the local areas, part-time prostitutes and those who practised in a discreet and less public manner frequently escaped the attentions of the CD Acts police officers whose efforts were directed at the more visible streetwalkers. Maidstone residents for example, petitioned the House of Commons in 1879 to the effect that they had no faith in the accuracy of the official figures with regard to numbers of prostitutes, believing that they substantially under-recorded the numbers of women who actually practised prostitution in that town.<sup>5</sup> Hugh Baker, Vicar of Woolwich, was more specific in his claim that the ratio of registered to unregistered prostitutes in his area was fifty/fifty.<sup>6</sup>

The Acts were to be policed by small specialist units of Metropolitan Police officers in plain clothes who were seconded to the subjected districts, rather than by local police forces. These officers were generally recruited from amongst members of the Metropolitan Police Dockyard Division, first established in 1860. One police inspector each was initially allocated to Woolwich, Sheerness and Chatham to police the Acts, whilst one inspector and two constables were allocated to Shorncliffe.

The 1864 Act was limited to three years' duration and was replaced in 1866, following the investigations of a Parliamentary Select Committee that addressed itself largely to medical evidence. Invited witnesses comprised doctors, the military, police officers and civil servants. The 1866 amendment provided for the registration of prostitutes and introduced a regular medical examination, extended the geographical territories of some districts and extended the provisions of the Act to Windsor. Finally in 1869, following the report of a further Select Committee, the third and final Act amended that of 1866 by bringing another six districts within the law's jurisdiction, lengthening the maximum medical detention period to nine months from three, and introducing a clause enabling

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<sup>5</sup> Select Committee 1882, p. 237.

<sup>6</sup> *Ibid.*, p. 192.

the temporary detention of women found unfit for examination (i.e. menstruating or drunk).<sup>7</sup> Visiting surgeons were given the authority to relieve women from examination after consulting with the police. In Kent, the 1869 amendment had the effect of extending the geographical limits of the Shorncliffe and Woolwich districts, the latter to include the parish of Greenwich. The total number of subjected stations was additionally extended to include the Kentish garrison towns of Canterbury, Dover (to include Deal), Gravesend and Maidstone. In the first year of operations a total of 117 women were registered as prostitutes in Canterbury, 170 in Dover, 80 in Maidstone and 109 in Gravesend.<sup>8</sup>

Historians of the CD Acts have noted that, for a number of reasons, there was little organised opposition to the first two Acts.<sup>9</sup> These were limited in their geographical application and so little was known about them outside of military and medical circles, and they were less repressive than the final 1869 amendment. Following attempts to extend the Acts to the north of England and a debate at the Social Science Congress in October 1869 however, a National Anti-Contagious Diseases Acts Association was founded and by the following year there was extensive nationwide agitation for repeal. On New Year's Eve 1869 the *Daily News* published a protest against the Acts drawn up by Harriet Martineau and signed by Florence Nightingale, Josephine Butler, the penal reformer Mary Carpenter and the suffragist Lydia Becker. This led to the formation of a Ladies' National Association, (LNA) which was to be led by Josephine Butler.<sup>10</sup> Thereafter protest against the Acts, based on a wide range of moral, libertarian and egalitarian objections, began to be articulated by a broad coalition

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<sup>7</sup> There was additionally an 1868 amendment that applied only to Ireland.

<sup>8</sup> *Annual Report of Assistant Commissioner 1881*, pp. 8 -12.

<sup>9</sup> See for example, Walkowitz and Walkowitz, 'We are not Beasts of the Field', p. 75.

<sup>10</sup> For a detailed account of the repeal campaign see McHugh, *Prostitution and Victorian Social Reform*.

of opponents. The sixteen year-long campaign to have the CD Acts repealed, described as 'one of the century's most notable protest movements', has been the focus of a great deal of academic interest, largely because of its iconic status in the history of women's emancipation.<sup>11</sup> Furthermore, the 'attractive and voluminous' nature of the presentation of the repeal cause has, according to Smith, deeply influenced the historiography.<sup>12</sup>

Most dissenters took as their starting point the belief that the legislation constituted a state sanctioning of 'vice', and thus was immoral in principal, irrespective of any possible health benefit. This was the position taken by many of the clergy who became involved in the repeal movement, some of whom had previously been involved in rescue work with prostitutes and who believed that voluntary reform was a more appropriate strategy for the elimination of prostitution. At the more extreme end of the spectrum of religious opposition as articulated by some clerics, was the view that by protecting against the natural consequence of immorality (venereal disease), the legislation interfered with God's punishment of sin. Hugh Baker, pro-repeal Vicar of Woolwich for example, believed that 'it was better for that poor girl to have died as she was, and in that state, than to go on leading a life of sin year after year'.<sup>13</sup> Other repeal campaigners objected on the grounds that the Acts impeded reform efforts since they served to sanitize prostitution and harden women by the regime they introduced, thereby making them more resistant to rescue work.<sup>14</sup>

The LNA's protest was one of the few voices, other than that of John Stuart Mill, philosopher and author of *On Liberty* (who opposed the Acts on the grounds that they violated the individual human rights of the prostitute) to consider the issue from the

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<sup>11</sup> Edward J. Bristow, *Vice and Vigilance: Purity Movements in Britain since 1700* (Dublin: Gill and Macmillan, 1977), p.5.

<sup>12</sup> Smith, 'Contagious Diseases Acts Reconsidered', p. 197.

<sup>13</sup> Select Committee 1882, p. 192.

<sup>14</sup> See McHugh, *Prostitution and Victorian Social Reform*, p. 63.

perspective of the women directly affected. The LNA's objections to the Acts were expressed in a wide-ranging eight-point manifesto, published in the *Daily News* on 31 December 1869. Over time however, the argument that the Acts established a repressive, cruel and tyrannous regime of control over the women directly affected assumed greater prominence in the LNA's platform and provided the basis for an emotive propaganda campaign that emphasised the individual, human impact of the measures of the Acts. The columns of the *Shield*, the repeal newspaper, were filled with reports of cruelty and tyranny, of 'hardship, suffering and woe' as evidence that the legislation was universally repugnant, damaging and distressing to the women directly affected by it.<sup>15</sup> In a campaign speech at Gravesend for example, Josephine Butler spoke of 'a grievous, cruel, oppressive law, by which they are made the legal slaves, the official servants of a great regulated and sanctioned iniquity'.<sup>16</sup>

The claim that working prostitutes were universally hostile to the Acts therefore became fundamental to the repeal case and the *Shield*, as McHugh has observed, 'strove to depict those affected by the Acts as united against them'.<sup>17</sup> This alleged unanimous hostility of working prostitutes to the operation of the Acts, as outlined in the repeal movement's publicity was based on the four principal elements of the regulatory system. These were the allegedly repressive policing regime, the compulsory medical examination, mandatory hospitalisation in government funded Lock hospitals and the use of the criminal justice system to punish those women who resisted the process. Incidents of women's disobedience of and refusal to comply with the provisions of the legislation provided the repeal propaganda machine with valuable evidence of opposition, and were thus highlighted and widely publicised. As a result, narratives of

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<sup>15</sup> *Shield*, 25 April 1870, p. 62.

<sup>16</sup> *Ibid.*, 18 July 1870, p. 163

<sup>17</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 142.

resistance, disobedience and non-compliance became a central theme in much of the abolitionist discourse and have consequently become a central focus in the academic literature. Indeed, Walkowitz sub-titled her introductory chapter 'The Revolt of the Women.'<sup>18</sup> Jane Jordan likewise, claims that: 'There were cases in every subjected district of women who were prepared to spend months in prison rather than undergo an examination lasting a few minutes'.<sup>19</sup>

Feminist historiography has also emphasised prostitutes' resistance to the Acts, an aspect which as Finnegan has observed, is particularly attractive from a feminist viewpoint. Given the CD Acts' iconic status in the history of women's emancipation, the question of non-compliance becomes central to a feminist reading since it provides a link with fundamental themes of female agency, self determination and the 'agent or victim?' debate. According to this interpretation, prostitutes who resisted the CD Acts in the subjected districts were demonstrating independence and autonomy, and incidents of disobedience have been 'seized upon as evidence of the women's independent and "unsubjected" state'.<sup>20</sup> Furthermore, the popularity of Foucaultian theory, which lays emphasis on the dual concepts of power and resistance, has facilitated the development of a received view of the CD Acts as a 'technology of power', and of prostitutes' disobedience as resistance to that power.

This emphasis on resistance however, is in need of some revision. As this chapter will argue, the evidence relating to resistance in Kent suggests a somewhat different picture from that promulgated by contemporary repeal propaganda and repeated in much of the historiography. A closer reading of the statistics relating to the local operation of the Acts, when combined with documentary evidence from local

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<sup>18</sup> Walkowitz, *Prostitution and Victorian Society*, p. 1.

<sup>19</sup> Jane Jordan, *Josephine Butler*, (London, John Murray, 2001), p. 119.

<sup>20</sup> Finnegan, *Do Penance or Perish*, p. 3.

sources, reveals that the majority of women complied with the requirements of the law. Levels of disobedience and resistance on the part of prostitutes have been overstated and furthermore they appear to have been largely provoked by repeal activists' agitation rather than being spontaneous demonstrations of prostitutes' opposition. As the following discussion will demonstrate, many locations saw few prosecutions for non-compliance and cases were often dropped once they came to court, in contrast with prosecutions of prostitutes for public order offences. Furthermore, the numbers of prosecutions for disobedience varied widely and seemingly inexplicably, both between subjected districts and over time, suggesting the presence of additional influential factors. This chapter therefore now turns to a detailed examination of the impact of the Acts at local level in Kent relative to policing, medical examination, recourse to the criminal justice system and compulsory hospitalisation.

## **Policing the Contagious Diseases Acts**

The policing regime introduced by the CD Acts has attracted a great deal of censure both from contemporary opponents and from the verdict of posterity. It is often portrayed by historians as brutal, repressive and degrading to the women made subject to it. Joan Perkin for example has claimed that 'The police in garrison towns were notoriously brutal, and they could not be prosecuted for false arrest of a woman they considered a prostitute' whilst Deborah Cheney asserts that 'the power vested in the hands of the Metropolitan Police Officers was virtually one which attributed to them omnipotent judgement and insight.'<sup>21</sup> This received view of the policing of the Acts

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<sup>21</sup> Joan Perkin, *Victorian Women* (London: John Murray, 1993), p. 231; Cheney, 'Hateful Ordeal at Seven Star Street', pp. 25-26.

has been deeply influenced by repeal campaign discourse, in particular that disseminated in the columns of the *Shield*. Police officers were likened to ‘swell mobs-men, (who) swagger about our garrison towns, making offensive overtures to decent women, in the hope of multiplying the number of apparent cases falling within the scope of the Act.’<sup>22</sup>

The thesis of a repressive policing regime was partly shaped by the experience of Plymouth and Devonport, where Inspector Silas Annis appears to have been particularly zealous in the performance of his duties. Vilified in the columns of the *Shield*, Annis has also earned a place in the historiography having merited seventeen index references in Walkowitz’s *Prostitution and Victorian Society*.<sup>23</sup> Annis was not entirely representative of the CD Acts police officers but he did provide repeal campaigners with valuable ammunition with which to pursue their allegations of cruelty, prompting McHugh’s observation that ‘the point was to blacken the police’.<sup>24</sup>

Among the criticisms of the CD Acts police was that they operated in plain clothes, thus attracting the accusation from the LNA that they were a ‘spy police’ and part of a ‘spy system’.<sup>25</sup> A further criticism was that CD Acts duties were allocated to the Metropolitan Police Force rather than to local police forces, and therefore the individual officers responsible for overseeing operations were felt to be outsiders from the metropolis, a view that has become part of the received interpretation of the Acts.

In 1875 the *Chatham Observer* for example, asserted that:

the officers under the Acts were not our own police force whom, as a body, we honour and respect, but men who were sent down from London and it was not part of our English constitution that we were to be governed by the War Authorities in times of peace.<sup>26</sup>

<sup>22</sup> *Shield*, 10 December 1870.

<sup>23</sup> *Ibid.*, 16 December 1871.

<sup>24</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 144.

<sup>25</sup> *Ibid.*, 19 October 1872.

<sup>26</sup> *Chatham Observer*, 19 June 1875 quoted in Conley, *The Unwritten Law*, p 38.

The case against the CD Acts police therefore, as it formed part of the contemporary repeal case and as echoed in the modern historiography is that the officers appointed to these duties were strangers from London with no local knowledge or sympathies, that they were guilty of ‘contemptible espionage’ on innocent women and that they were brutal in the performance of their duties.<sup>27</sup>

The evidence from Kent suggests a somewhat different picture. As has been seen, officers were recruited to police the Acts from the Metropolitan Police Dockyard Division which was established in 1860, and were thus not sent to the subjected districts directly from London. The main duties of this division, which operated within a fifteen-mile radius of the dockyard sites, included the apprehension of deserters and the prevention and detection of theft of government property. In practice there appears to have been some overlap between the tasks carried out by the CD Acts officers and regular dockyard duties. Inspector Charles Hallett in Sheerness for example, appeared for the Admiralty in the 1872 prosecution of five men for the theft of a seaman’s property albeit that he (Hallett) was stationed in Sheerness to police the CD Acts at the time.<sup>28</sup> In the dockyards therefore, the officers appointed to police the CD Acts had already established local connections over several years and, as Joyce has argued, were well integrated into the communities in which they worked: ‘Thousands of local people would therefore come into regular contact with Metropolitan policemen whether at work, or on the streets’.<sup>29</sup> Joyce has further observed that it was the policy of the Metropolitan Police dockyard division to recruit locally and he has demonstrated that the officers employed in

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<sup>27</sup> *Shield*, 10 December 1870.

<sup>28</sup> CKS Sheerness Police Court Register, 13 February 1872.

<sup>29</sup> Joyce, *Chatham Scandal*, p. 66.

Chatham had roots as local, if not more so, than the women they policed. Census materials confirm this claim, showing that Edward Green and George Weeks who were appointed to Chatham were both born in Kent.<sup>30</sup>

In the garrison towns where there was no dockyard police in place already, officers were seconded for CD Acts duty from units of the dockyard division based elsewhere. PC James Porter for example, who was appointed to police the Acts in Gravesend, was Hampshire-born and had previously lived at Plumstead, which suggests service at the Woolwich naval dockyard and possibly previously in Portsmouth. His replacement in Gravesend, Joseph Stanlake was born in Cornwall and had previously seen Metropolitan Police service at the Sheerness Dockyard. Stanlake's career history corroborates Joyce's observation with regard to the local roots put down by many of the CD Acts police officers, since at the time of his posting to Gravesend he had already been living in Kent for upwards of seven years and had married a Kent-born woman. Stanlake took over the police residence in New Street from Porter, where he brought up a family of three young children. Inspector William Luscombe, who was seconded to oversee the operation of the Acts in Maidstone, was born in Devon. He had similarly spent time in Kent prior to his appointment to Maidstone, as evidence by the fact that both of his daughters were Greenwich-born. Based on the examples of Chatham, Gravesend and Maidstone therefore, many of the CD Acts police appear to have had either local roots or to have developed local connections.

Local evidence relating to operational policing procedures under the Acts casts some doubt on the thesis of unrestrained power on the part of the CD Acts police, suggesting instead that they worked within the structure of the law and cooperated with

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<sup>30</sup> Joyce, *Chatham Scandal*, p. 67.

local police forces where necessary. An 1870 Maidstone incident relating to an assault on a policeman by man called William Brown for example was reported in the local press and reprinted in the *Shield*.<sup>31</sup> Brown, it appears, was acting to prevent the arrest of a woman called Anne Baker who had refused to attend for medical examination under the CD Acts. The press report of the incident relates that the policeman, PS Charles Phipps was struck three times by Brown having called at Baker's lodgings with a warrant for Baker's arrest.<sup>32</sup> Local records reveal that in fact Phipps was not employed by the Metropolitan Police but was an experienced member of the Maidstone Borough Police Force.<sup>33</sup> At the time of the incident Phipps had accrued seventeen years service on the streets of Maidstone, and is to be found on the 1871 census living with his wife in Perry Street in the centre of the town, only two thirds of a mile from Anne Baker's own lodgings in Woollett Street. The evidence suggests that having failed to secure Anne's voluntary attendance for medical examination the CD Acts police had followed procedure in applying to the magistrate for a warrant and handing the case over to the local police force.

The discussion of the Canterbury case of Jane Featherstone by the 1871 Royal Commission substantiates this interpretation of the division of duties between Metropolitan and local police with regard to the operation of the CD Acts. A magistrate's warrant had been issued for Featherstone's arrest and had been placed into the hands of the Canterbury City Police Force. Captain Harris of the Metropolitan Police explained to the Commission that once a magistrate's warrant for arrest had been issued, the matter became the responsibility of the local police

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<sup>31</sup> *Shield*, 19 November 1870.

<sup>32</sup> *Maidstone Telegraph and West Kent Messenger*, 11 November 1870.

<sup>33</sup> *Ibid.*, 17 February 1872.

force.<sup>34</sup> This aspect of police operations under the Acts, whereby the dockyard police and local police shared responsibility and worked collaboratively has been little recognised by historians but has significant implications for the hypothesis of 'excessive force'. As has been seen, members of local police forces were familiar with their communities and had knowledge of the working prostitutes in the locality. Collaborative working is further suggested by the fact that Metropolitan Police officers were called upon to give evidence as witnesses in cases brought by the Kent County Constabulary. Convictions of publicans for example, as was discussed in Chapter 3, on the charge of harbouring prostitutes could be secured if it could be proved that the defendant had 'knowingly' allowed the women on their premises. Reports of an 1871 Chatham case and an 1874 Rochester case both reveal that local police were able to provide magistrates with such proof with the assistance of their Metropolitan Police colleagues. The latter testified that they had visited the defendants' licensed premises in connection with their CD Acts duties and had conducted conversations with prostitutes relating to their appointments for medical examination in the presence of the landlords, thus proving the 'knowledge' of the latter.<sup>35</sup>

A similar stratagem was evidently employed by local police in Gravesend, where the 1874 prosecution of William Elvidge for keeping a brothel, which was mentioned in the previous chapter, reveals that Constable Joseph Stanlake of the Metropolitan Police gave evidence in support of his local borough police colleagues. Elvidge's conviction was secured on Stanlake's testimony that he knew there were prostitutes living at Elvidge's address because his duties in connection with the CD Acts involved visiting the inmates of brothels to instruct them to attend for

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<sup>34</sup> 1871 Royal Commission, p. 462.

<sup>35</sup> Joyce, *Chatham Scandal*, pp. 177, 185.

regular medical examination. Stanlake was able to identify one of the women in court by name.<sup>36</sup> On another occasion he came to the assistance of PC Samuel Wood of the borough police in the arrest of a man called Charles Smith on a charge of being drunk and disorderly. Since this offence clearly lay outside Stanlake's remit the incident suggests a substantial degree of cooperation between local police forces and their Metropolitan colleagues.<sup>37</sup>

Statistics relating to the manpower provision for CD Acts duties and to the workloads sustained by individual officers suggest that, as McHugh has observed, most women made subject to the legislation 'went quietly', thus eliminating the necessity for robust policing.<sup>38</sup> During the first year of operations in Gravesend for example, PC James Porter single-handedly facilitated a total of 1,016 fortnightly medical examinations, all of which were on voluntary submission rather than summons. He registered one hundred and seventeen individual women, of whom an average of fifty-nine remained on the register at any one time during the year. His successor PC Joseph Stanlake registered a total of forty-two individual women in 1880, of whom an average of twenty-six remained on the register at any one time. A total of 544 examinations were carried out during that year as a result of seventy-seven signed voluntary submission forms.

In Dover two police officers were appointed at the commencement of operations under the CD Acts in 1870.<sup>39</sup> During their first year they registered a total of 204 women including re-registrations and procured a total of 347 signed voluntary submission forms and 1,654 medical examinations.<sup>40</sup> In Chatham where

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<sup>36</sup> *Gravesend and Dartford Reporter*, 1 August 1874.

<sup>37</sup> *Ibid.*, 22 May 1880.

<sup>38</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 147.

<sup>39</sup> 1871 Royal Commission, p. 637.

<sup>40</sup> *Annual Report of Assistant Commissioner 1881*, p. 8-12.

the scale of prostitution was highest amongst the Kentish stations, the Acts were policed by one inspector and four constables.<sup>41</sup> At the height of operations in 1872 they registered a total of 269 women, including re-registrations. Between them they supervised a total of 3,239 medical examinations and the signing of 612 voluntary submission forms.<sup>42</sup> During the first year of operations of the CD Acts in Maidstone Inspector Luscombe and PC Griffiths registered a total of 80 individual women, 120 voluntary submission forms were signed and 697 examinations were carried out. This evidence undermines the thesis of a heavy-handed policing approach since in many districts this would have been neither possible, given the number of police personnel allocated to each district, nor necessary since the majority of women appear to have attended for examination with little resistance.

Whilst the majority historical view holds that the CD Acts were policed punitively, contemporary judgement was somewhat more balanced. Even amongst abolitionists it was sometimes felt that whilst the Acts themselves were immoral, the police officers themselves did a difficult job as well as they could. Repeal activist Dr. Drysdale for example referred in 1873 to 'the greatest care being taken by police not to exceed their duty in the use of powers given to them by the Acts' whilst the *Daily Telegraph* stated that 'for some time past the police, acting under instructions from headquarters, have been remarkably lenient at all the stations.'<sup>43</sup> Police Inspector Luscombe of Maidstone was described by the town missionary Stephen Rimbault who, as has been seen, was not a supporter of the Acts as 'a very cautious and respectable man' and 'a very decent man doing his work as well as he can' but erring 'from excess of caution'.<sup>44</sup> James Baxendale, manager of the Greenwich

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<sup>41</sup> Joyce, *Chatham Scandal*, p. 67.

<sup>42</sup> *Annual Report of Assistant Commissioner 1881*, pp. 8-12.

<sup>43</sup> *Gravesend and Dartford Reporter*, 25 January 1873; *Daily Telegraph*, 9 June 1870.

<sup>44</sup> Select Committee 1882, p. 244.

Women's refuge claimed in 1882 that he had never heard a single complaint from the girls regarding behaviour of the police.<sup>45</sup> Baxendale's testimony formed part of the evidence upon which the Parliamentary Select Committee came to the conclusion:

your committee are not satisfied that in a single case the action of the police has been marked by the carelessness and misconduct somewhat recklessly attributed to them.<sup>46</sup>

The contemporary CD Acts repeal campaign on the other hand pursued its argument that the policing of the law was carried out in a repressive and barbaric way with reference to a small number of widely publicised cases of alleged mistaken identity. One of the best known of these was that of Mrs Percy of Aldershot, a widowed singer and entertainer who drowned herself in the Basingstoke canal having been accused of being a prostitute and being brought mistakenly under the provisions of the legislation.<sup>47</sup> The chosen repeal campaign strategy of laying great emphasis on cases of alleged mistaken identity, as was discussed in the previous chapter, had the advantage that it allowed criticism of the Acts whilst avoiding the necessity of defending or justifying prostitution. The Kentish evidence tends to support F.B. Smith's observation in relation to repeal activists that 'There were numerous cases, they asserted, of police harassing respectable women. Yet the actual cases brought forward by the repealers are very few.'<sup>48</sup>

Kentish cases of alleged mistaken identity were not numerous but they were very well publicised. Elizabeth Burley for example was chased through the streets of Dover in 1881 by two CD policemen followed by a mob of boys and threw herself into

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<sup>45</sup> Ibid., p. 457.

<sup>46</sup> Ibid., p. 24.

<sup>47</sup> See McHugh, *Prostitution and Victorian Social Reform*, pp. 150-151.

<sup>48</sup> F.B. Smith, 'Ethics and Disease in the Later Nineteenth Century: The Contagious Diseases Acts', *Historical Studies*, 15 (1971), 118-135 (p. 129-30).

the harbour to escape. The pursuing police officer at this point, according to a passer-by, left her to her fate, to be rescued by members of the public. The incident prompted a huge local outcry, meetings were held and the Home Secretary eventually reprimanded and transferred the police officers responsible. Whilst the case provided repealers with a valuable publicity coup, the NA (National Association for Repeal) minutes, according to McHugh, contain suggestions that 'she was not entirely innocent'.<sup>49</sup> The Woolwich case of Mary Ann Hart was likewise characterised by ambiguity on both sides. Mary Ann was imprisoned for one week in 1878 for refusing to be examined, claiming that she 'is not and never has been a prostitute'.<sup>50</sup> The police case rested on the fact that Mary Ann was witnessed by police officers on numerous occasions on the streets and going into public houses in the company of known prostitutes, sailors and what the police termed as 'quashers', that is 'loafers, idle companions and attendants on prostitutes'.<sup>51</sup> Mary Ann's sister-in-law Minnie Davis, herself an admitted prostitute also testified against her. The magistrate concluded that the police had provided sufficient evidence to show that Mary Ann 'is in that state of life which either sooner or later would lead her to prostitution'.<sup>52</sup> Given the circumstances, McHugh has concluded that 'repealers perhaps made too much of the case as an example of innocence threatened...It was hardly an authentic example of legal outrage'.<sup>53</sup>

The case of Eliza Southey of Dover was taken up by Alderman Rowland Rees and was investigated by the 1882 Parliamentary Select Committee. In this case the police attested to having seen Southey on the streets at different times with a

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<sup>49</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 148.

<sup>50</sup> *Shield*, 14 Dec 1878, pp. 291-292.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*, 14 December 1872 pp. 291-292.

<sup>53</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 148.

number of different soldiers, but she had no previous association with prostitutes or brothels and the identification was suspect. In this case the police were found to have served an order illegally and eventually the Home Secretary was forced to issue a reprimand and to transfer the individual policemen concerned.<sup>54</sup>

One of the most widely publicised and often-mentioned Kentish cases was that of a young Chatham woman called Caroline Wybrow, which was taken up by local repeal activist Frederick Wheeler, a retired grocer and Quaker who devoted himself to philanthropic work. In brief, Caroline's story, as told to a Parliamentary Select Committee in 1882, was that she was the daughter of 'a poor woman receiving parochial relief' who claimed to be the widow of a marine.<sup>55</sup> In 1870 or thereabouts after the death of Caroline's father the family moved to Chatham where they took a room in a lodging house. The two women augmented the one shilling a week relief the family received from the parish by charring, washing, and scrubbing. Some time afterwards, according to Caroline's mother's testimony, three prostitutes took up residence in the same lodging house, and Caroline earned money from scrubbing their rooms. In 1875 a police officer visited the house to give instructions to the three resident prostitutes Elizabeth Coppin, Alice Gilbert and Kate Simmonds to attend for medical examination. He found Caroline in one of their rooms and mistook her for a prostitute, describing the house later as a 'brothel'. Thereafter Caroline was instructed to attend for medical examination which she repeatedly refused, was allegedly intimidated into putting her mark onto a form that she did not understand, threatened with physical force, detained illegally at the lock hospital and finally coerced into being medically examined albeit that she claimed she was a

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<sup>54</sup> McHugh, *Prostitution and Victorian Social Reform*, pp. 148-9

<sup>55</sup> Select Committee 1882, p. 158.

virgin.<sup>56</sup> Following Caroline's stay in the Lock hospital she was found a place in service by the Matron but was subsequently reported by her new employer to be untruthful. Frederick Wheeler made an official complaint to the Home Office in January 1876 of the way in which the Wybrow case had been handled, and the subsequent furore caused by the case included allegations of extreme malpractice and of the payment of 'hush money', such that the case was mentioned in a Parliamentary debate on 20 April 1883. The police case was based on the fact that, as well as having been found in a 'brothel' Caroline had been seen on numerous occasions on the street and in the Golden Cross beerhouse in the company of soldiers and prostitutes. Having investigated the case at great length the 1882 Select Committee however concluded that:

although certain irregularities were proved to have occurred, neither the medical authorities nor the police are open to serious censure. Your committee feel bound to observe that the complaints made by the girl herself of her treatment were not made for several months after the occurrence to which they related, and that her most important statements were directly contradicted by reliable witnesses.<sup>57</sup>

Wybrow's own version of events, as stated in a signed declaration has been repeated uncritically by Joyce, but has been questioned by Smith.<sup>58</sup> Census materials help shed some light on the testimony heard by the 1882 Select Committee and suggest that the evidence in this case is more ambiguous than Wybrow's defenders allowed for. In 1861 when Caroline was four years old the family was living at Sheerness at a lodging house in West Street next door to the Kings Head public house. At this time, eight years prior to his death, John Wybrow's occupation is described as labourer, rather than a Marine, as subsequently claimed by his widow. Having

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<sup>56</sup> See Joyce, *Chatham Scandal*, p. 113.

<sup>57</sup> Select Committee 1882, p. 23.

<sup>58</sup> See Joyce, *Chatham Scandal*, p. 113 and Smith, 'Contagious Diseases Acts Reconsidered', p. 201

moved to Chatham in 1870 after John Wybrow's death the family is captured on the following year's census lodging in the Brook area, which has been described as having 'the most durable reputation for prostitution, crime and squalor'.<sup>59</sup> Caroline was by this time fourteen years old, and her mother Rachel is described as a charwoman. They were living next door to John and Fanny Ware, 'the largest prostitution merchant that there is in Chatham' who had 'more brothels belonging to him than any other man in Chatham'.<sup>60</sup>

Following the notorious events of early 1875 Caroline married a soldier, John Dunster. The subsequent birthplaces of their children indicate that the couple moved frequently with Dunster's regiment between Dover, Aldershot, Shorncliffe and Ireland. By 1881 the couple had returned to Chatham where they somewhat surprisingly took up residence once again in Seaton Court, the scene of Caroline's alleged downfall. Caroline's mother Rachel and prostitutes Elizabeth Coppin, Alice Gilbert and Kate Simmonds were all still resident at the address. This fact may have been the cause of Judge Advocate General Osborne Morgan's allegation, made during a Parliamentary debate that Caroline Wybrow 'was now keeping a house of convenience at Chatham'.<sup>61</sup> John Dunster died in 1889 at the age of thirty-five and the following year the couple's fifth child was born. The family remained in Chatham, where by 1901 Caroline, a widow, is described as a tailoress. She had given birth to three further children following Dunster's death, all of whom had been given his surname.

Local evidence additionally sheds further light on the Golden Cross beerhouse, the status of which lay at the centre of the Wybrow controversy. Frederick Wheeler

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<sup>59</sup> Joyce, *Chatham Scandal*, p. 20.

<sup>60</sup> Select Committee 1882, pp. 154-155.

<sup>61</sup> *Hansard*, (20 April 1883) 278 col. 828-829.

claimed to have been assured by the local police that this was run as 'a public house open to the public' rather than being conducted as a brothel.<sup>62</sup> During questioning by the members of the Select Committee on the subject Wheeler said that the landlord of the Golden Cross had been given the 'fullest exculpation' by members of the Kent County Constabulary whom he had spoken to on the subject. However, the Golden Cross was actually situated in High Street Rochester rather than in Chatham and thus came under the jurisdiction of the Rochester City police force rather than the KCC. Local evidence reveals that the then-landlord Jackson Fryer had been fined five pounds in 1864 for 'harbouring prostitutes' called Elizabeth Foster, Elizabeth Bowen and Annie Spicer who all testified to being prostitutes and to living on the premises.<sup>63</sup> When the license of the Golden Cross came up for renewal the following month the City Police made an objection on the grounds that

girls of a certain character were permitted to assemble there for the purposes of prostitution and in several cases they lived on the premises.<sup>64</sup>

Clearly this episode occurred over ten years prior to the Caroline Wybrow incident and it may well be the case that the Golden Cross improved its reputation over the intervening period with a change of landlord. However, as was seen in Chapter 2, the reputations of public houses were retained over long periods thus the status of the Golden Cross is ambiguous at best.

The evidence relating to the cases of Caroline Wybrow, Eliza Southe and Mary Ann Hart demonstrates the genuine difficulty experienced by the CD Acts police in a small number of cases in determining whether or not a woman was engaged in prostitution. Each of these cases appears to have been highly ambiguous

<sup>62</sup> Select Committee 1882, p. 205.

<sup>63</sup> *Chatham News*, 20 August 1864.

<sup>64</sup> Quoted in Joyce, *Chatham Scandal*, p. 173.

and to have contained reasonable grounds for police doubt. Indeed, it seems remarkable that there were so few such cases, possibly indicating that for the most part, the police made few errors, a point taken up by Smith who has observed ‘the striking thing about police procedures is their apparent accuracy.’<sup>65</sup> Further evidence relating to mistaken identity confirms that it was not widespread. In Maidstone for example the town missionary Stephen Rimbault said in 1882 that he had not heard of any cases of mistaken identity for six or seven years and did not believe that there were any grounds for such complaints, testimony that is all the more persuasive given that Rimbault had repeal sympathies.<sup>66</sup> Likewise in Woolwich Rev. Hugh Baker claimed that he had never heard a case of the Acts being ‘oppressively administered’, nor that ‘virtuous women or quasi virtuous women, have been brought on the register’.<sup>67</sup> On the contrary, it emerged during cross-questioning of William Krause by the 1881 Select Committee that registered prostitutes in Woolwich called Police Inspector John Bull ‘our Inspector’ and his colleague PC Gibson ‘uncle’.<sup>68</sup> This revelation not only suggests amicable relations but also familiarity, and further undermines the notion of high risk of mistaken identity.

Ultimately, having heard many days worth of evidence relating to alleged cases of mistaken identity the 1882 Select Committee concluded that:

in the course of sixteen years not a single case has been brought before your Committee in which any woman alleged to have been wrongfully brought under the operation of the Acts has brought any action or taken legal proceedings against the police authorities in respect of any act done by them under the Contagious Diseases Acts. Considering the large funds at the disposal of the various associations for the repeal of the Acts – the zeal and activity with which their operations have been carried on, and the opportunities for the

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<sup>65</sup> Smith, ‘Contagious Diseases Acts Reconsidered’, p. 201.

<sup>66</sup> Select Committee 1882, p. 249.

<sup>67</sup> *Ibid.*, pp. 247, 195.

<sup>68</sup> *Ibid.*, p. 435.

exposure of the alleged vices of the system, which such proceedings, even if unsuccessful, would afford, your Committee cannot but regard this fact as a significant testimony to the conduct of the police.<sup>69</sup>

Taken altogether, the Kentish evidence relating to police operations under the CD Acts does not support the hypothesis of an excessively harsh regime in all subjected stations. Police officers worked collaboratively with their colleagues in the local police forces and with the magistracy, many had local knowledge and the numbers of genuine cases of mistaken identity were few. This discussion now turns to the second element of the machinery of the Acts, the compulsory medical examination.

## Medical Examination

The CD Acts provided for the compulsory genital examination of women known or suspected to be practising prostitution in order to detect cases of venereal disease. Initially the examination was to be carried out as and when directed by a police officer, but under the 1866 Act the arrangement was formalised and increased to once fortnightly. The examination soon attained symbolic status within the repeal movement and became the focus of fierce protest, particularly (and understandably) from the LNA. The examination featured widely in what has been described as the abolitionists' 'highly colored propaganda against the Acts', and references to 'medical lust', 'instrumental rape', 'disgusting examination' 'legalised torture' and 'violent outrages' permeated abolitionist literature.<sup>70</sup> Walkowitz has described how 'At public meetings repeal spokesmen would display the vaginal speculum and explain its use to a horrified audience'.<sup>71</sup>

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<sup>69</sup> Ibid., p. 23.

<sup>70</sup> Walkowitz, *Prostitution and Victorian Society*, p. 108; *Shield*, 27 November 1871, p. 740.

<sup>71</sup> Walkowitz, *Prostitution and Victorian Society*, p. 109.

In addition, a contentious discourse was established amongst interested observers in the subjected districts as to the alleged detrimental moral effects of the routine internal examination on individual prostitutes. Repealers argued that it had a demoralising, 'hardening' effect on the women, for example William Krause of Woolwich who believed that 'it takes every bit of womanly feeling out of them'.<sup>72</sup> Frederick Wheeler likewise considered that 'after the women have passed through the examination there, they give up all hope, all is lost, as to their character'.<sup>73</sup> When challenged on this statement at the 1882 Select Committee hearing however, Wheeler was forced to admit that the only complaints about the examination had come to him second hand rather than directly from any of the prostitutes themselves.

The practice of internal examination and specifically the use of the vaginal speculum in routine gynaecological and obstetric medical practice remained the subject of considerable controversy into the second half of the nineteenth century, a controversy that spread far beyond discussion of the CD Acts. The propriety of its use was debated among physicians and according to Margrete Sandelowski many doctors were concerned about the 'lamentable form of hysteria' it caused.<sup>74</sup> Women who had undergone examination by speculum were reported to have become 'reserved, moody, and perverse, spoke unintelligibly in broken sentences'.<sup>75</sup> One distinguished contemporary American gynaecologist claimed that women would 'prefer to suffer the extremity of danger and pain rather than waive those scruples of delicacy which prevent their maladies from being fully explored' and advised his students when performing internal examinations on their patients to

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<sup>72</sup> Select Committee 1881, p. 597.

<sup>73</sup> Select Committee 1882, p. 153.

<sup>74</sup> Margrete Sandelowski, "This most Dangerous Instrument": Propriety, Power and the Vaginal Speculum, *Journal of Obstetric, Gynaecological and Neonatal Nursing*, January/February 2000, 73-82, (p. 74).

<sup>75</sup> *Ibid.*, p. 76.

‘cover...even her slippers’.<sup>76</sup> In 1850 a practitioner had written of the threat not only to the modesty of the examined woman but also to the morality of the physician:

Let us...maintain the spotless dignity of our profession, with its well-deserved character for purity and of morals, and throw aside this injurious practice with indignant scorn, remembering that it is not mere exposure of the person, but the dulling of the edge of the virgin modesty, and the degradation of the pure minds of [our] daughters ...which are to be avoided.<sup>77</sup>

Clearly therefore, the passionate objections to the internal examination that were articulated by repeal campaigners have to be located within a much wider contemporary medical and moral discourse. Specifically, the allegations of degradation and de-humanisation on the part of examined women, of impropriety and the exercise of corrupt power on the part of the physician were not unique to criticisms of the Acts but tapped into and borrowed language from a much wider debate about the medical examination of women. Previous historians have, arguably, overlooked the extent to which the alleged opposition to the ‘surgical’ examination by, and on behalf of suspected and registered prostitutes reflected a much wider professional and public opposition to the procedure. Professional medical pro-Acts opinion on the other hand, as articulated by Dr. Robert Farquharson, M.P. for Aberdeenshire, argued that there was no difference between the medical examination performed on suspected prostitutes and that carried out on ‘a large number of women of the highest virtue and morality’ who underwent

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<sup>76</sup> M. Hall, ‘On a new and Lamentable Form of Hysteria’, quoted in Sandelowski, ‘This Most Dangerous Instrument’, p. 75.

<sup>77</sup> M. Hall, ‘On a new and Lamentable Form of Hysteria’ in *The Lancet*, 01/06/1860, pp. 660-661, quoted in Sandelowski, *This Most Dangerous Instrument*.

examination in the course of routine medical practice by an ‘ordinary medical practitioner’.<sup>78</sup>

In addition, according to Bertrand Taithe, the internal examination posed a threat to petit-bourgeois ideals of privacy. ‘For the “upper working class” this privacy seemed a newly acquired privilege and certainly a most important one’.<sup>79</sup> Whether the streetwalkers of the ports and garrisons of Kent, who, as has been seen lived lives for the most part characterised by material hardship and poverty, shared these ideals of privacy with the ‘upper working class’ is difficult to establish. Given the nature of the sources one of the chief problems facing any historian interested in studying the working prostitutes subjected to the CD Acts is the lack of any valid direct evidence as to the women’s opinions or attitudes. These have been mediated through the eyes of the middle-class repeal campaigners who claimed to speak for them, whose views, as has been seen, were strongly partisan. Two often-repeated but un-attributed quotations published by Dr. Garth-Wilkinson for example, in a widely circulated pamphlet entitled *The Forcible Introspection of Women for the Oligarchy* were actually provided to him by Josephine Butler in a private letter. These provide the basis for Walkowitz’s statement that: ‘Like the middle-class feminists, registered women regarded the periodic examination as a peculiarly unnatural and degrading experience, a form of “instrumental rape.”’<sup>80</sup> This statement would appear to be somewhat sweeping given the nature of the evidence.

Whether working prostitutes found the prospect and experience of internal examination as abhorrent as the middle-class activists who claimed to speak for

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<sup>78</sup> Select Committee 1882, pp. 88, 162.

<sup>79</sup> Taithe, B.O., *From Danger to Scandal. Debating Sexuality in Victorian England: the Contagious Diseases Acts and the Morbid Imagery of Victorian Society*, (University of Manchester, PhD Thesis, 1992), p. 172.

<sup>80</sup> Walkowitz, p. 202; also see Jane Jordan’s comment on the quotations, *Josephine Butler*, note 57 p. 320.

them is difficult to ascertain since there is no first-hand and unbiased evidence relating to prostitutes' points of view. As F. B. Smith has observed, 'There are few authenticated cases of prostitutes objecting to the procedure.'<sup>81</sup> Clearly it is impossible to attribute motive or opinion to historical actors who have left so little record. The nearest that the historian can approach to the question is to examine the evidence relating to numbers of medical examinations actually carried out.

Statistical data clearly shows that for whatever reason, the vast majority of registered or suspected prostitutes in Kent did in fact meet the requirement for regular medical inspection. Statistics compiled in the subjected districts by the Metropolitan Police and returned to the War Office in the Assistant Commissioner's Annual Reports for the duration of the period when the Acts were in operation recorded the yearly number of medical examinations carried out at each station together with the actual and average numbers of registered prostitutes during each year. In Kent, a total of 173,914 medical examinations was performed on a combined yearly average of 718 registered prostitutes during the sixteen years of reported operations up to 1881.<sup>82</sup> By dividing the total number of examinations performed in each district in the twelve recorded years 1870 to 1881, by the average number of registered women in each district for the same period, it is possible to arrive at a figure for the average number of examinations undertaken by the average registered woman.<sup>83</sup> This can then be expressed as a percentage of the maximum

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<sup>81</sup> Smith, 'Contagious Diseases Acts Reconsidered', p. 208.

<sup>82</sup> Whilst operation of the legislation was not suspended until 1883, the final report by the Assistant Commissioner of the Metropolitan Police on the operation of the Acts was produced in 1882, reporting statistics for the year 1881.

<sup>83</sup> Since operations did not commence in some stations until 1870 twelve years' statistics only have been used in this analysis to maintain consistency.

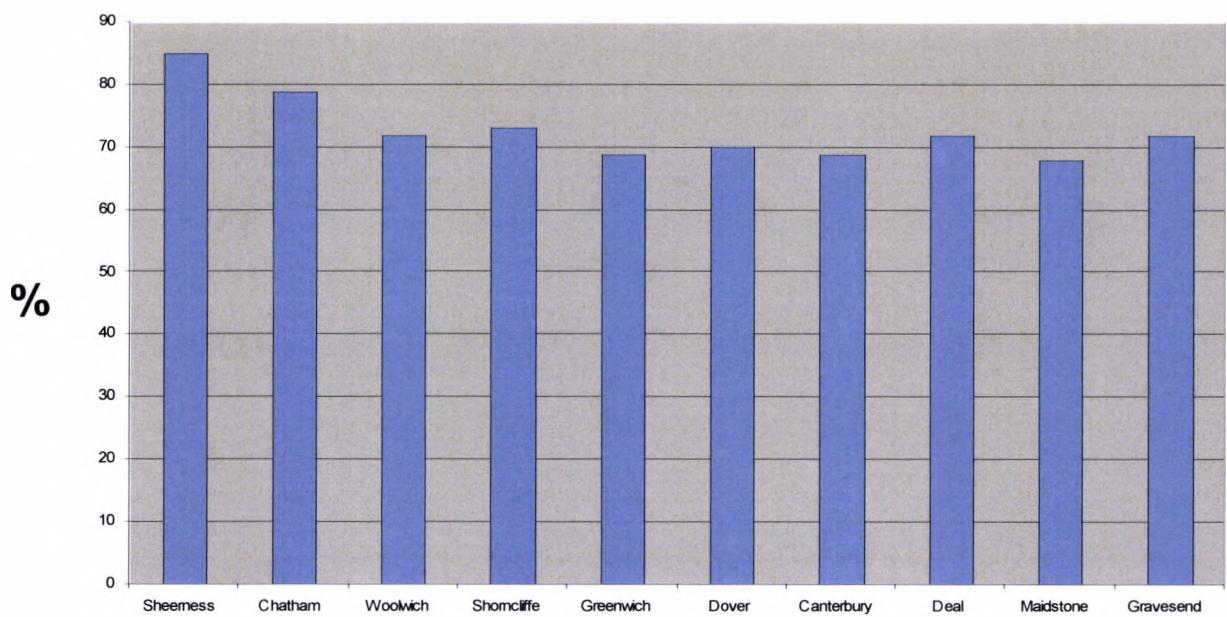
possible number of examinations that could have been performed on each woman (given that after 1869 examinations were expected to be performed fortnightly and taking into account the date on which operations commenced in each district) (see Figure 5.1). The results of this exercise show that 85% of the possible maximum number of examinations for the twelve year period was carried out in Sheerness, 79% in Chatham, 73% in Shorncliffe, 72% in each of Woolwich, Gravesend and Deal, 70% in Dover, 69% in Greenwich and Canterbury and 68% in Maidstone.<sup>84</sup> Whilst clearly these figures are approximate ones because they are calculated from averages, they nevertheless suggest consistently higher rates of compliance than has hitherto been appreciated, and reveal a markedly different picture from that portrayed in abolitionist literature.

Moreover, the evidence (as was discussed in Chapter 2) that many of the street prostitutes identified by this study served repeated sentences in the county gaol for street disorder offences, which would have removed them from the street for substantial periods of time makes the high figures for compliance with the requirement for medical examination even more remarkable. The evidence that most women satisfied the requirement for regular examination most of the time is supported by, and further illuminated by statistics related to the number of voluntary submission forms signed in each of the subjected districts (see Table 5.1). This form was the means by which women could formally agree to attend for regular medical examination for a prescribed length of time and thus avoid an appearance at the

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<sup>84</sup> Using the same method of calculation the equivalent figures for Devonport and Southampton are 74.7% and 56.7% respectively.

**Figure 5.1: Medical Examinations as % of Maximum Possible: 1870 - 1881**



Source: Calculated from *Annual Report of the Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts 1881*, pp. 11-13

magistrate's court. Since examination was mandatory, if a woman refused to attend for examination she could be summoned before a magistrate and receive an order to attend. Metropolitan Police returns recorded the number of forms signed each year in each district, together with the number of magistrates' orders issued. The significant difference between the two sets of figures indicates that most women did sign the voluntary submission form and thus cooperated with the system and poses a serious challenge to an interpretation that emphasises extensive resistance.

Furthermore, when the average number of forms signed in each district over the whole period during which the Acts were in force is compared with the average number of registered women for the same period (see Figure 5.2), a surprisingly close correlation is revealed between the two, further demonstrating that the vast majority of women who were examined did so as a result of signing the voluntary submission form, rather than being coerced by a magistrate's order.

The strategies employed by the police to obtain signatures on the 'voluntary' submission forms were the cause of a good deal of contemporary controversy, to the extent that malpractice was condemned by the Home Secretary in 1876. In some districts, it was alleged that women had been illegally ordered to attend at the police station or at the examination room for the purpose of being persuaded to sign.<sup>85</sup> Walkowitz and Walkowitz for example, have drawn a picture of 'illiterate women forced to make their X's on documents they did not understand'.<sup>86</sup> Dr. James Bell Jardine, Medical Officer of Health for Chatham on the other hand, who was employed as medical examiner under the CD Acts claimed that during more than ten years' experience he had never known a woman made to sign the form under duress, and insisted that the meaning of what they were signing was always explained to

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<sup>85</sup> Select Committee 1882, p.87.

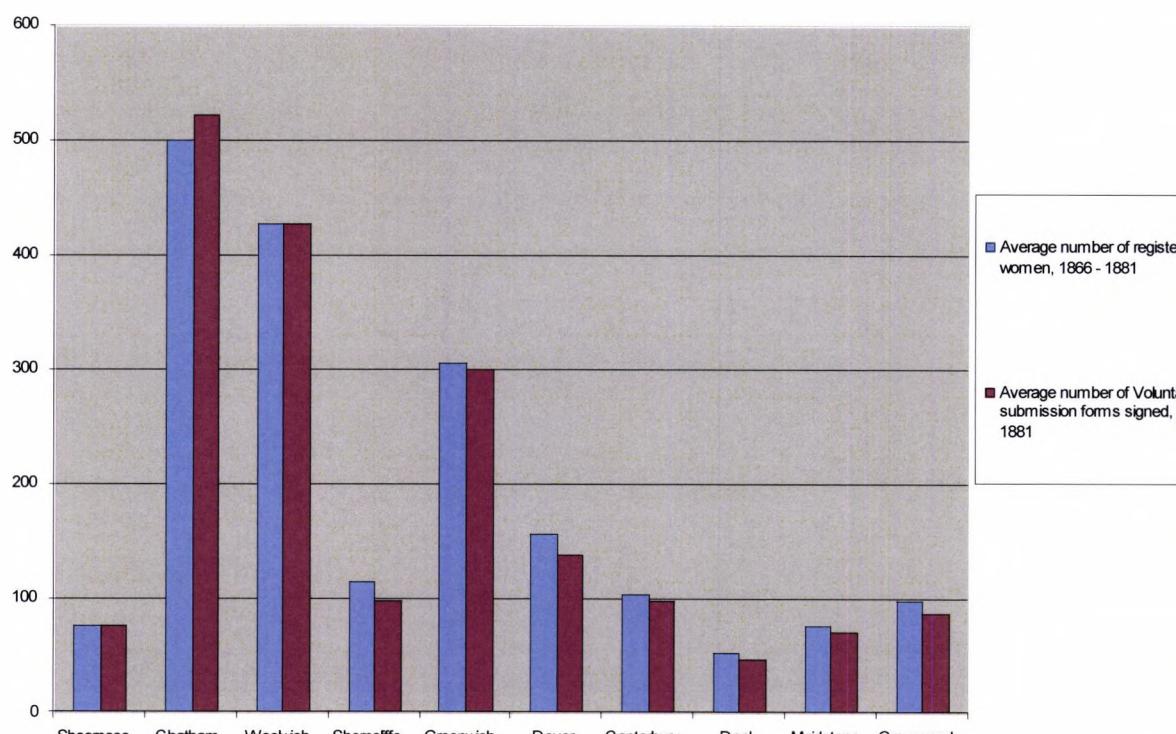
<sup>86</sup> Walkowitz and Walkowitz, 'We are not Beasts of the Field', p. 92.

**Table 5.1: Total Number of Voluntary Submission Forms signed,  
compared with Examinations on Magistrate's Order:  
All Kentish Stations, 1866-1881**

	Number of Voluntary Submission Forms Signed	Examinations on Magistrate's Order
Chatham	8010	2
Woolwich	5559	27
Shorncliffe	1609	5
Greenwich	3670	26
Dover	1889	16
Canterbury	1236	14
Deal	633	0
Maidstone	909	7
Gravesend	1179	2

Source: *Annual Report of Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts, 1881* pp. 9-13.

**Figure 5.2: Average number of Voluntary Submissions compared with average number of Registered Women 1866 - 1881**



Source: Annual Report of Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts, 1882

them.<sup>87</sup> Clearly this is a question on which the only available first-hand evidence is strongly partisan. What seems clear however, is that the hypothesis of a wholesale reign of terror and intimidation carried by a very small number of policemen is inconsistent with the large numbers of forms signed. Furthermore, there is some anecdotal evidence to suggest that not all women were as opposed to the examination as has been alleged. A young woman brought before Greenwich Magistrates for not having attended for the medical examination for example, was offered to be excused from it if she would enter a reformatory. She declined this offer and agreed to be examined instead, suggesting that she found the prospect of medical examination preferable to that of entering the reformatory system.<sup>88</sup> In another Greenwich case, that of Ellen Sandford, refusal to comply with the Acts appears to have been the demonstration of opposition to bureaucracy and authority rather than to the examination itself. Having been summoned before the bench for non-submission, Ellen told the court: 'I am willing to be examined, but I will not sign any paper. I am ready to be examined... now, if you like'.<sup>89</sup> In Maidstone meanwhile, Stephen Rimbault, whose knowledge of that town's working prostitutes stemmed from his twenty eight years' religious missionary work with the poor, said that from his experience, 'the registered girls; they do not object to it, but they did very strongly at first', suggesting that in practice women became reconciled to the medical examination with experience.<sup>90</sup>

It is certainly the case that most of the anecdotal evidence relating to the demeanour of prostitutes going to and from the medical examination undermines

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<sup>87</sup> Select Committee 1882, p. 512.

<sup>88</sup> *Shield*, 18 July 1870, p. 163.

<sup>89</sup> *Ibid.*, 3 September 1870, p. 209.

<sup>90</sup> Select Committee 1882, p. 248.

suggestions that all women felt degraded and humiliated by the examination. In Chatham for example, pro-repealer Frederick Wheeler claimed to have witnessed with his own eyes

soldiers waiting about, and passing and making signs to the women; and also the women waiting at the public house at one corner of this thoroughfare, and saucily saluting the soldiers as they marched past. There was much loud talking, laughing, and occasional screaming among themselves, and boys looked on. A number of the women, say a dozen or twenty, visited one or other of the drinking houses on the way up or down.<sup>91</sup>

William Krause similarly claimed to have seen prostitutes on the way to their examination in Woolwich pulling up their clothes ‘and dancing in a manner that is most disgusting’.<sup>92</sup> In Dover similarly, an eye-witness described ‘these “gay girls”

...in parties of two and three, trooping down to the examination room dressed in all their best and generally very cleanly and smartly decked out for the occasion. Sometimes they are accompanied by male companions, who wait for them at a neighbouring public house and on re-joining them examine their papers and then march off with them.<sup>93</sup>

Ann Heritage likewise claimed to have seen very indecent behaviour on the part of women going up for examination.<sup>94</sup> Clearly this pattern of behaviour might be interpreted in terms of demonstrations of bravado under duress, and indeed there are some parallels with the acts of personal assertiveness and of defiance towards authority at moments of personal crisis discussed in Chapter 2. Nevertheless, the scenes described in these anecdotes do not support the thesis that the medical examination invariably caused humiliation and victimisation on the part of working prostitutes.

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<sup>91</sup> *Ibid.*, p. 152.

<sup>92</sup> Select Committee 1881, p. 596; 1871 Royal Commission, p. lix.

<sup>93</sup> *Shield*, 27 May 1871, p. 507

<sup>94</sup> 1871 Royal Commission, p. lix.

Aside from the alleged trauma of the medical examination caused to the women directly affected, it was claimed by repeal campaigners additionally to have a wider detrimental moral impact on the populations of the subjected districts. Repeal publicity placed emphasis on the immoral impact on local populations, particularly on young people, of witnessing the ritual of local prostitutes arriving at the examination house on the appointed day. Evidence from Kent however suggests that where local residents did object, it was to the location of the examination room rather than the examination or the operation of the Acts in principle.

Dover residents for example petitioned their local Watch Committee to communicate to the Secretary of State for War their concern over 'the selection for the examination of prostitutes of a house in the midst of a very populous part of the town.' The committee accordingly requested the government to 'remove the examinations to some place out of town.'<sup>95</sup> A public meeting in Gravesend similarly heard that 'the selection of a house for the purposes of the examination, in the midst of the population was a most shameful thing', suggesting that it was the public nature of the examination procedure to which residents principally objected.<sup>96</sup> In Maidstone by contrast, examinations were carried out at a house that according to Stephen Rimbault the town missionary, was situated not in a 'respectable neighbourhood' but conveniently 'right in the midst of where the girls live' and facing the gaol wall.<sup>97</sup> The address of the Maidstone examination house was 6, County Road as noted in Petty Sessions Court Minutes. The census records for 1871 reveal this address to be the home of PC William Griffiths of the Metropolitan Police, Mary Ann his wife and their two small children. Clearly therefore,

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<sup>95</sup> SEK Dover Watch Committee Minutes, 25 January 1870.

<sup>96</sup> *Shield*, 30 May 1870, p.99.

<sup>97</sup> Select Committee 1882, p. 248.

prostitutes in Maidstone were examined at the same house that was provided for the accommodation for the police officer employed to oversee the CD Acts.<sup>98</sup> This was evidently a working class neighbourhood; other residents included a coal merchant's labourer, an engine driver and a printer compositor. However, Stephen Rimbault was correct in his assertion that this district was also home to many of the town's prostitutes. Fanny de Vere, who will be mentioned later in this chapter in connection with offences under the CD Acts, lived just a few doors down from PC Griffiths at fourteen County Road. Adjacent Woollett Street meanwhile, was home to prostitutes Mary Ann Brown, Alice Lewis and Harriet Beasley.<sup>99</sup> Police Inspector William Luscombe, Griffiths' superior, lived close-by in Brown Street. Thus both officers were well placed to recognise many of the town's prostitutes by sight.

## **Prosecution under the Criminal Justice System**

The evidence of high levels of compliance with the requirement for physical examination is reinforced by correspondingly low levels of prosecution for non-submission. During the sixteen years of reported operations up to 1881 when, as has been seen, a total of 173,914 medical examinations was performed, there were 1,017 summonses of women before Kentish Magistrates for resistance to the CD Acts.<sup>100</sup> This total comprises both those summonses that resulted in the issue of a magistrate's order to be examined, (99) together with the number of actual convictions and with those cases where the charge was dropped once the case was

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<sup>98</sup> There was a similar arrangement in Plymouth, where Inspector Silas Anniss lived above the examination room; cited in Walkowitz and Walkowitz, 'We are not Beasts of the Field', p. 88.

<sup>99</sup> 1871 Census, (944,

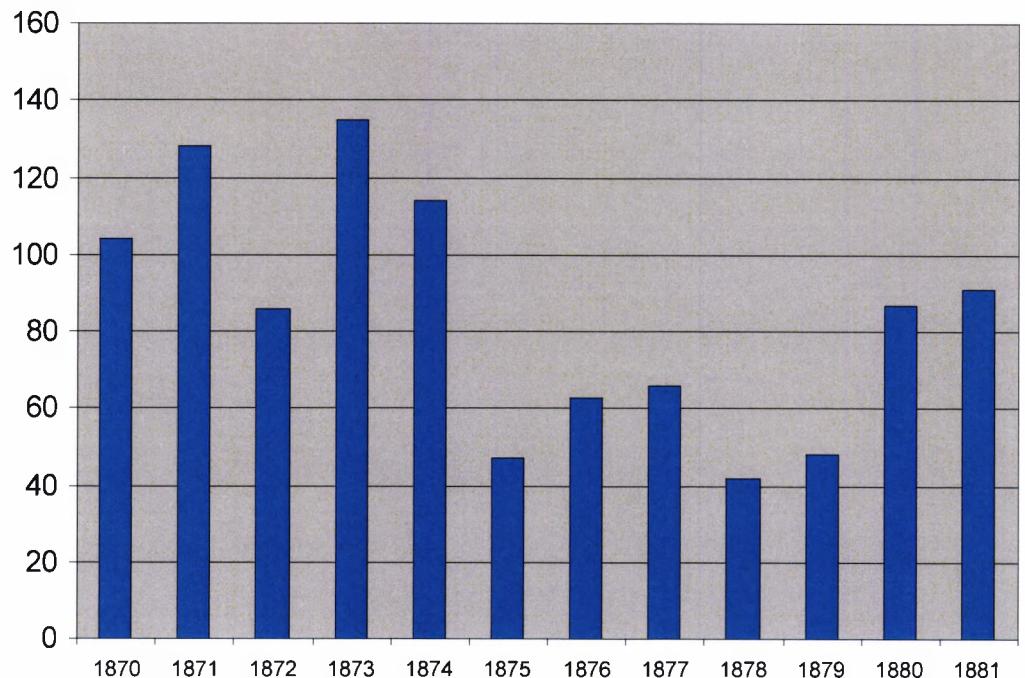
<sup>100</sup> As a point of comparison, there were 2,634 prosecutions of prostitutes in the county of Kent (excluding Kentish London) in the twelve years 1866-1877 under local policing according to annual Parliamentary Returns of Judicial Statistics.

brought to court. 824 of the total summonses (81%) occurred during the five years following the enactment of the final (1869) amendment to the legislation, when opposition to the Acts was strongest and levels of repeal activism at their height in most areas (see Figure 5.3). This fact raises the question whether there was a link between activism and disobedience.

The summonses were divided into three categories of offence. The first category was 'non-submission to the Acts' and consisted of refusing to sign the voluntary submission order. The second was non-attendance for examination after having signed the voluntary submission form or after having received a magistrate's order to do so. The third category was for practising prostitution after having been discharged from hospital uncured. Very few charges were brought for this third charge at any station in Kent (a total of only three for the whole period under consideration), and so this discussion will focus on the first two categories.

In the first instance, the CD Acts provided for a known or suspected prostitute to be instructed by a police officer to attend for medical examination, upon which she would be asked to sign the voluntary submission form by which she agreed to be bound by the terms of the legislation and to attend for regular examination. The first category of charge that could be brought against a woman, that of 'non-submission to the Acts' was therefore brought if a woman refused to comply at this initial stage.

**Figure 5.3: Yearly Summons for Non-Compliance,  
all Kentish Stations**



Source: Annual Report of Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts, 1881

Once before the bench, in the event that this was her first appearance, magistrates issued an order that she should attend for medical examination. Alternatively, the case could be adjourned to allow the woman the opportunity to attend for examination if she indicated a willingness to do so, after which charges would be dropped. The third possible outcome was conviction and a custodial sentence.

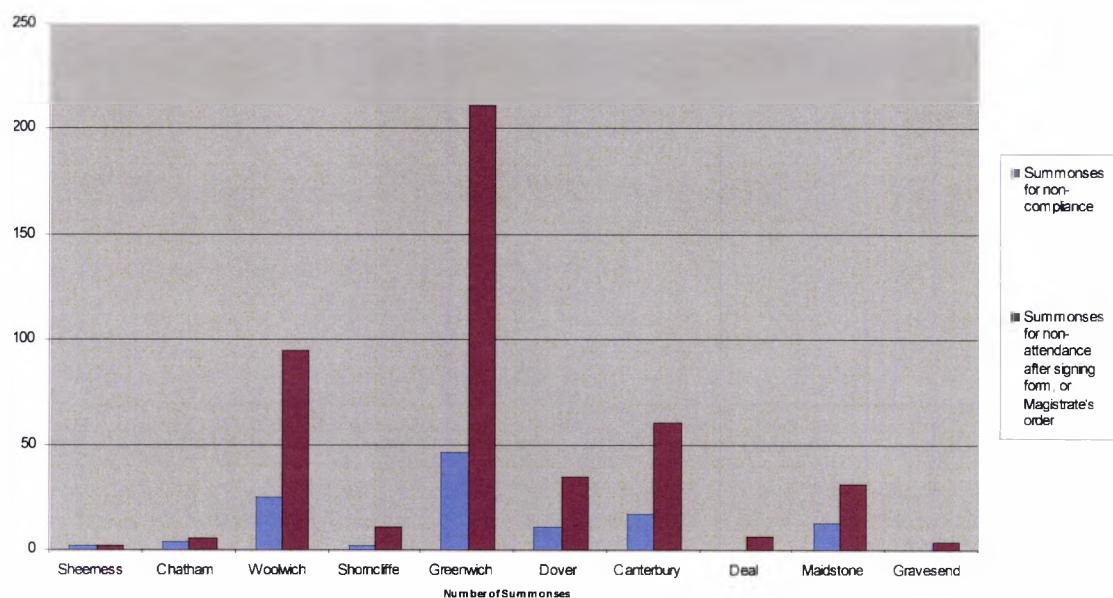
The second category of charge was brought against those women who, having signed the voluntary submission form or who having previously been summoned before the court and having received a magistrate's order to be examined, subsequently failed to attend for examination. In the subjected districts of Kent, a consistently and notably higher number of charges was brought for this second category of offence than for the first (see figure 5.4). This further confirms that the majority of prostitutes who were required to do so signed the voluntary submission order. The significant and consistent difference between the two sets of figures suggests that of the women brought before magistrates, most had complied with the law initially, but subsequently failed to attend for examination for some reason. This level of initial co-operation followed by subsequent non-attendance is intriguing and demands further investigation. What does seem clear however is that this pattern is inconsistent with any suggestion that prostitutes were generally opposed to the regulatory regime of the Acts in principle.

One possibility is that disorganised and chaotic lifestyles made regular attendance at an appointed date and time difficult, though clearly this hypothesis is difficult to prove given the nature of the sources. Catherine Wood for example, had signed the voluntary submission form and then neglected to attend for examination. She told the court that she was nursing children on the day in question, and so did not think she was still obliged to attend, since she was earning 'an honest living' that day.<sup>101</sup>

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<sup>101</sup> *Shield*, 17 August 1872, p. 1047.

**Figure 5.4: Summons of Suspected and Registered Prostitutes before Magistrates: 1865 - 1881**



Source: Annual Report of Assistant Commissioner of the Metropolitan Police on the Operation of the Contagious Diseases Acts, 1881

A Maidstone girl meanwhile, who failed to report for her fortnightly examination said it was because she had had 'a bad cold', an omission that met with leniency from the examining doctor, Dr. Baxter.<sup>102</sup>

## Repeal Agitation

A further possibility is that women who had initially signed the voluntary order were subsequently persuaded to change their minds. This hypothesis can be best explored by a comparison between the circumstances in two Kentish subjected districts, namely Gravesend and Canterbury. These make good cases for comparison because they had a number of shared characteristics. Both were garrison towns and were therefore civilian, rather than 'government towns' as some of the naval dockyards were described.<sup>103</sup> Both were made subjected districts under the third and final CD Act in 1869. They were of a similar size in terms of total population and also with regard to prostitute numbers. In 1871 Gravesend had a total population of 27,780 and forty-five registered prostitutes whilst the equivalent figures for Canterbury were 20,962, and forty-four.<sup>104</sup> The statistics relating to the operation of the CD Acts in these two localities reveal a considerable disparity in levels of non-submission, both from place to place and over time. They also reflect the extent to which, in Finnegan's words, incidents of resistance were 'limited in number and frequently instigated and exaggerated by the abolitionists'.<sup>105</sup>

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<sup>102</sup> 1871 Royal Commission, p. 645.

<sup>103</sup> See Joyce, *Chatham Scandal*, p. 7, quoting *Chatham News*.

<sup>104</sup> *Annual Report of Assistant Commissioner 1874*, pp.10 -13. The population figure for Gravesend includes the parish of Northfleet, which was included for the purposes of the CD Acts.

<sup>105</sup> Finnegan, *Do Penance or Perish*, p. 3.

Canterbury experienced significantly higher total levels of disobedience than did Gravesend (see figure 5.5). In 1870, the first year of operation, there were fifty-three summonses of Canterbury prostitutes before Magistrates for non-compliance with the provisions of the Acts. This figure includes both those who refused to comply with the system from the outset, together with those who failed to attend for examination having previously signed the voluntary submission form, or having been brought before a magistrate. During the same year 478 examinations were performed in Canterbury.<sup>106</sup> In the twelve months to June 1871, a period for which the information is available, thirteen Canterbury women served custodial sentences for ‘refusing to attend’ and ‘absenting themselves from’ medical examination, including two who served more than one term each.<sup>107</sup> Moreover according to the chaplain to Maidstone Gaol, nineteen (59%) of the total number of thirty-one women imprisoned in the county Gaol for non-compliance as at March 1871 were from Canterbury, which suggests that levels of resistance there were exceptionally high.<sup>108</sup>

During the following recorded year the number of summonses in Canterbury dropped dramatically from fifty-three to two, in a year when 64% more (747) examinations were performed.<sup>109</sup> Thereafter, aside from small increases in 1872 and 1873, the number of summonses remained very low for the remaining years of operation. Thus, of the seventy-five Canterbury prosecutions for non-compliance over a twelve-year period fifty-three (71%) occurred within the first year of operations, following which the total was never higher than eight in a single year.

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<sup>106</sup> *Annual Report of Assistant Commissioner 1881*, p. 11.

<sup>107</sup> *Return of Statistics in possession of Metropolitan Police, showing Operation and Effects of Contagious Diseases Acts, to December 1871*, PP 1872 (114) XLVII, (hereafter Return of Statistics 1871), pp. 3-4.

<sup>108</sup> 1871 Royal Commission, p. 554.

<sup>109</sup> *Annual Report of Assistant Commissioner 1881*, p. 11.

In striking contrast there were no summonses at all in Gravesend in either of the first two years of operations, when a total of 1,860 examinations was carried out. There were no more than four summonses in Gravesend in any one single year (1875), and a total of only eighteen across the whole twelve-year period. This extraordinary pattern, with seemingly inexplicable variations between the two locations and over time, suggests that levels of disobedience were influenced by some additional factor rather than being spontaneous reflections of opposition. One possible explanation is the level of local repeal agitation.

Of the ten Kentish subjected districts there was a repeal association only in only four: Canterbury, Dover, Maidstone and Chatham.<sup>110</sup> It is clear from the testimony of witnesses to the numerous Parliamentary enquiries that the legislation prompted strong convictions on both sides at a local level and that feelings ran extremely high amongst both supporters and opponents. Support for the repeal cause in the subjected districts was, as McHugh has observed, generally not strong, but where it did exist it was enthusiastic and vigorous, and frequently relied on the efforts and energies of a small number of activists.<sup>111</sup> The repeal cause propaganda machine widely reported those public meetings in the subjected districts that were well attended and produced a favourable outcome, but many others demonstrated apathy at best and at worst hostility. Of two meetings in Deal, the first, according to an observer, was fairly well attended but 'there did not seem any inclination to support the repeal', whilst the second 'was an utter failure'.<sup>112</sup>

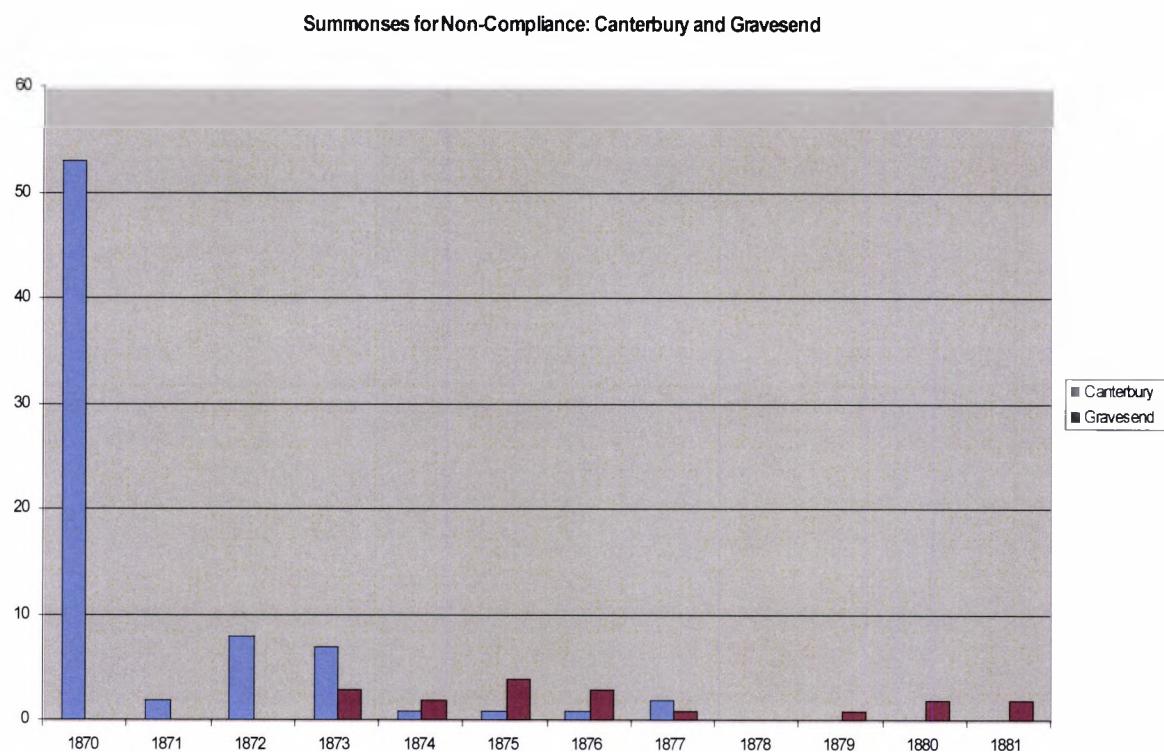
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<sup>110</sup> *Shield*, 14 January 1871, p. 71.

<sup>111</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 144.

<sup>112</sup> Select Committee 1881, pp. 477-8.

**Figure 5.5: Summons for Non-compliance, Canterbury and Gravesend, 1870-1881**



Source: Annual Report of Assistant Commissioner of the Metropolitan Police on the Operation of The Contagious Diseases Acts, 1881

The abolitionist movement aimed to mobilise public opinion against the Acts through a variety of means including local elections, lobbying, parliamentary debates, the press and other printed media. In addition, the National Association and Ladies National Association both employed a band of salaried agents who travelled the country visiting ministers and other possible sources of support and organised public meetings, which as McHugh has observed, 'rewarded their organisers with a vote of support, which the local press would naturally print in its report of the meeting'.<sup>113</sup> At a local level, evidence suggests that repeal effort was largely aimed at encouraging prostitutes not to cooperate with the CD Acts system, which was seen as obstructive of rescue and reform efforts.

In Canterbury repeal activity was quick to mobilise and a public meeting was convened in April 1870 at the Guildhall for the purpose of protesting against the Acts. A resolution to petition Parliament for repeal was carried. A subsequent letter published in the local press complained at the way in which the resolution, 'cut and dried for the purpose' had been carried at a meeting where 'about ninety people only are present out of an adult population of about 18,000 and sent up for presentation to the House of Commons in the name of the citizens'.<sup>114</sup> In spite of a hostile local press, a Canterbury repeal association was established within six months of the meeting, its secretaries being the Rev. A.W. and Mrs Ann Heritage, who lived in the city at of 34 St. George's Place. Heritage's objections to the Acts were founded on their immoral sanction of 'vice', their interference with individual liberty, and as he saw it, their obstruction of 'the rights of local self-government'. During the course of one public speech in 1870 Heritage urged prostitutes to resist the Acts and 'go to prison rather than submit'.<sup>115</sup>

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<sup>113</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 125.

<sup>114</sup> *Kentish Gazette*, 12 April 1870.

<sup>115</sup> *Ibid.*, 12 April 1870.

Rev. Heritage died in March 1871, before the CD Acts had been in operation a full year in Canterbury. Whilst Ann remained active in the movement it is interesting to speculate whether the dramatic reduction in numbers of cases of non-compliance in Canterbury after 1870 is directly attributable to the repeal cause having lost its most energetic campaigner, or whether it is illustrative of Bertrand Taithe's comment with regard to repeal activism that in general, 'the association never managed to keep local agitation alive for long'.<sup>116</sup>

Canterbury activists supplemented their public speeches encouraging prostitutes to break the law and risk imprisonment with one-to-one persuasion. Female association members personally visited brothels and other houses where prostitutes lived, and, according to the evidence of one young prostitute, told them that they 'hoped *all* the girls in the house would be of one mind and not go up anymore to be examined'.<sup>117</sup> The chaplain to Maidstone Gaol, Mr Fraser, claimed to have been told by prostitutes that 'there were ladies who go into their houses and advise them not to obey the law, and tell them that they will be supported in their resistance of the law, and that they have only got to club together, and in time the Act of Parliament will be altered'.<sup>118</sup> Fraser said that in the course of his ministry amongst the prisoners at Maidstone, he made a point of asking the women sentenced for non-submission to the CD Acts as to why they had refused to be examined, 'I have enquired of every one of them without exception. The Canterbury girls, I may say without exception, answer that they have been put up to it'.<sup>119</sup> It is possible that one of the ladies in question was Ann Heritage, who admitted to 'visiting girls' for the purpose of sending them to a refuge. Mrs Heritage claimed that prostitutes were encouraged by brothel keepers to go to be examined, because they

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<sup>116</sup> Taithe, *From Danger to Scandal*, p. 105.

<sup>117</sup> *Kentish Gazette*, 17 May 1870.

<sup>118</sup> 1871 Royal Commission, p. 554.

<sup>119</sup> *Ibid.*, p. 554.

‘wish to stand well with the authorities’ and that the brothel keepers tried to prevent her from getting access to the prostitutes for the purpose of rescue work.<sup>120</sup> Although Ann Heritage denied that she and the ‘ladies of the committee’ were responsible for encouraging Canterbury prostitutes to break the law, Fraser’s account is remarkably consistent with the evidence of the statistics relating to non-submission.<sup>121</sup> Of the fifty-three summonses of Canterbury prostitutes before the magistrates for non-compliance in 1870, thirty eight (72%) were cases where the woman in question had previously either signed a voluntary submission form or had been given a magistrate’s order. Fraser’s evidence, as given to the Royal Commission, coincides with that of the prison governor who wrote a long letter to the same effect to the *Kentish Gazette*. He claimed to have spoken to a young prostitute from Canterbury on the occasion of her release from gaol who told him that ‘she had been examined fortnightly since the law first came into force, and had never objected until she was persuaded by the lady to do so.’<sup>122</sup>

In the case of women who had already been convicted and imprisoned for non-compliance, Canterbury activists met them at the doors of Maidstone Gaol on the day they were released, and, according to the prison governor would ‘extort from her, if possible, the statement that she refused to be examined from modesty.’<sup>123</sup> The governor believed that repeal activists, on occasion ‘have actually induced girls to break the law and suffer imprisonment in order that they may be able to make use of their cases to favour the cause of their petition.’<sup>124</sup> Ann Heritage again denied this accusation, though she did admit to being active in visiting prostitutes in brothels in connection with her rescue work, and in placing those who ‘wished to return to a virtuous life’ in permanent

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<sup>120</sup> 1871 Royal Commission, p. lix.

<sup>121</sup> *Ibid.*, p. 816.

<sup>122</sup> *Kentish Gazette*, 17 December 1870.

<sup>123</sup> *Ibid.*

<sup>124</sup> *Ibid.*, 17 May 1870.

homes, in at least one case actually paying for the girl's board in the meantime whilst arrangements were being made.<sup>125</sup>

The inference that levels of non-submission were linked to repeal activity, and specifically in the light of the drop in levels of disobedience over time is supported by the evidence of William Shaen, Chairman of the National Association for the Repeal of the CD Acts in a statement made to the Parliamentary Select Committee in 1881. 'In the early days' he explained, 'we rather searched for cases in order to ascertain the working of the Acts; of late years we have ceased to do that, and have only gone into cases that have been forced on our attention.'<sup>126</sup>

The Canterbury newspaper the *Kentish Gazette* supported the CD Acts and was firmly of the opinion that acts of non-compliance were attributable to repeal agitation. The paper pointed out that defiance was deliberately provoked and then cited as evidence of the oppressive nature of the law. Activists, it claimed, were 'provoking opposition to the Acts among the "unfortunates" whom they were designed to regulate and benefit, and then pointing to the difficulty thus extemporised as evidence of tyranny.'<sup>127</sup> Having stimulated acts of non-compliance on the part of the prostitutes, the next component of pro-repeal strategy was to provide the women with free legal representation when they appeared before Magistrates, as in the Canterbury cases of Sarah Waters, Jane Boodle and Eliza Bing in April 1870.<sup>128</sup> The evidence therefore points to a direct correlation between repeal activism and levels of non-compliance in Canterbury, where sustained action during the first year of the operation of the Acts resulted in a high number of prosecutions.

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<sup>125</sup> 1871 Royal Commission, p. 818.

<sup>126</sup> Select Committee 1881, p. 331.

<sup>127</sup> *Kentish Gazette*, 10 May 1870.

<sup>128</sup> *Ibid.*, 26 April 1870.

In marked contrast to Canterbury, there was little sustained repeal activity in Gravesend, despite the Liberal MP Sir Charles Wingfield's stated preference for a voluntary system of regulation rather than a mandatory one.<sup>129</sup> Public meetings had mixed results there, and these demonstrated a large degree of ambivalence, if not outright apathy amongst the local residents. In 1868, two years prior to Gravesend's having been made a subjected district, a public meeting had passed a resolution in favour of the extension of the Acts, at which Lord Darnley, the local landowner, and the Mayor had both supported the motion.<sup>130</sup> Two years later, following the commencement of operations, two separate meetings passed resolutions in favour of repeal, one of these being a meeting of women only at which Josephine Butler spoke. The chief supporters of repeal activity in Gravesend were the Revd. William Guest, the minister of the Congregational Church, and his wife Sarah. Guest was active in a wide variety of religious activities and charitable causes including being the driving force behind a project to build a new Congregational Church. He sat on the School Board, gave public lectures on the Old Testament, was Vice President of Directors of the London Missionary Society and an Associate of the Philosophical Society of Great Britain.<sup>131</sup> This breadth of interests and busy schedule may explain why, having given 'an able and most eloquent speech' in favour of repeal in 1870, Guest was not present at a subsequent meeting only three years later, which had a substantially different outcome.<sup>132</sup>

On this occasion in January 1873, a deputation was sent to Gravesend by the National Association for the Repeal of the Contagious Diseases Acts to attend the meeting that attracted upwards of five hundred people. The press reporter dryly

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<sup>129</sup> *Gravesend and Dartford Reporter*, 25 January 1873.

<sup>130</sup> *Ibid.*, 11 April 1868.

<sup>131</sup> *Ibid.*, 20 May 1871, 4 April 1874, 25 January, 8 February 1879.

<sup>132</sup> *Ibid.*, 18 June 1870.

observed that ‘the usual prevailing element in Gravesend public meetings was by no means wanting, the roughs mustering in strong force’.<sup>133</sup> Before long, showers of peas were being thrown about, two pigeons were released to fly about the hall and fireworks were set off, filling the room with smoke and sulphur. Amidst the resulting mayhem, Mr. W. Newman, a townsman who had held public office as borough treasurer and who was indignant that no Gravesend resident had been invited by the organisers to sit on the platform, proposed that Robert Sowter, a local businessman should take the chair. The initiative having been seized away from the organisers from out of town, Newman offended NA officials by accusing them of being ‘paid agents’, and proposed a motion calling for the continuation of the Acts. This motion was carried amidst the general uproar, and the meeting broke up, according to the *Reporter*, ‘in the most admired disorder’.<sup>134</sup> In a letter to the local press following the incident, Frederick Banks, the secretary to the NA, made the unsubstantiated claim that the ‘ruffians’ who had disrupted the meeting had been ‘hired’ to do so by the Association’s opponents and attributed the meeting’s passing of a resolution in favour of the Acts to the audience having been ‘carried away by excitement or political feeling’.<sup>135</sup> By June 1880, when another Gravesend meeting was held at the Town Hall to hear a speaker condemn the Acts, organisers were able only to attract ‘a very thin attendance including only a few ladies.’ On this occasion the speaker, LNA agent Miss Jessie Craigen, took the opportunity whilst she held the platform, ‘of advocating the right of women to the Parliamentary franchise.’<sup>136</sup>

The evidence relating to the outcome of public meetings in Gravesend over a twelve- year period therefore suggests that there was no sustained public feeling

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<sup>133</sup> *Gravesend and Dartford Reporter*, 25 January 1873.

<sup>134</sup> *Ibid.*, 25 January 1873.

<sup>135</sup> *Ibid.*, 1 February 1873.

<sup>136</sup> *Ibid.*, 26 June 1880.

against the CD Acts. Sporadic expressions of opposition were instigated by repeal activists from outside the town, and interspersed with occasions that had a very different outcome. The lack of sustained repeal enthusiasm in Gravesend coincides with low recorded levels of non-compliance amongst the town's prostitutes, and begs the question whether there is any cause and effect correlation between the two.

Elsewhere, levels of non-compliance varied widely from one subjected district to the next. In Sheerness, 11,520 medical examinations were carried out on an average yearly total of forty-three registered prostitutes over the seventeen-year period from 1865 to 1881. There was no active local repeal association during this time and only nine summonses for failure to attend for examination. Edward Swales the Sheerness surgeon gave evidence to the 1866 Parliamentary Select Committee to the effect that in his experience, prostitutes had initially looked upon the Act 'as a punishment' but had subsequently come to 'believe that it is for their own good'.<sup>137</sup> Whilst Swales' professional allegiance might well account for some bias in his opinion, the fact that his testimony is supported by the statistics on medical examinations does lend it some weight.

In Chatham a total of 53,439 examinations was performed on a yearly average of 205 registered prostitutes, during which time there was a total of only forty-eight summonses for non-compliance.<sup>138</sup> Local repeal activity was led by Frederick Wheeler, who has already been introduced.<sup>139</sup> In Dover, which saw 12,283 examinations and a relatively high figure of seventy-nine summonses for non-compliance, there was an active local repeal association, led by the Wesleyan alderman, Rowland Rees. The evidence of the *Dover Express*, which reported in 1881 that:

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<sup>137</sup> Select Committee 1866, p. 35.

<sup>138</sup> Statistics taken from *Annual Report of Assistant Commissioner 1881*, pp. 9-13.

<sup>139</sup> Mc Hugh, *Prostitution and Victorian Social Reform*, p. 145.

I believe there is a person belonging to the society for the repeal of the Acts going about and telling the girls not to attend the court if summoned.<sup>140</sup>

suggests strongly that in Dover also, there was a direct correlation between non-compliance and repeal agitation.

## Imprisonment

Although a great deal was made by repeal campaigners of the punitive nature of the CD Acts, in fact only a small minority of summonses before the magistrates in Kent resulted in imprisonment. The formulation of the published Metropolitan Police statistics on the operation of the Acts was changed over time and did not record the number of custodial sentences incurred over the entire period that the Acts were enforced. Initially however, this information was recorded and shows for example, that of the 167 summonses before Kent magistrates of women for non-compliance during the twelve months ending 30 June 1871, thirty-seven (22%) resulted in a custodial sentence. This ratio is consistent with that for the imprisonment of twenty-two individual women in Dover from 1870 until 1881, which resulted from the summonses of seventy-nine women before Magistrates (28%).<sup>141</sup>

These figures are substantiated by the evidence from local records. For example, the hearings of forty-one out of the forty-four cases of women summoned before Maidstone magistrates in connection with the CD Acts between 1871 and 1876 as recorded in Metropolitan Police statistics have been traced in local Petty Sessions records. Fifteen of the forty-one identified summonses (27%) resulted in a

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<sup>140</sup> *Dover Express*, 29 April 1881.

<sup>141</sup> Select Committee 1882, p. 453

custodial sentence. Ten of the cases were adjourned, eight resulted in an order for medical examination being issued, six were withdrawn, and the outcome of two is unclear from the records. Where cases were adjourned, evidence suggests that the most common reason was that the women declared themselves prepared to be examined once they were brought to court. The cases of Helen Holdsworth, Fanny de Vere, Jane Boorman and Emily Beech for example, were all adjourned on 24 June 1871 though the court records do not specify a reason.<sup>142</sup> The charges in each case were subsequently withdrawn at a hearing on 22 July. A similar picture is suggested by cases from other subjected districts.

The summonses of three Dover prostitutes between October 1880 and August 1881 for failing to attend for medical examination for example, were all adjourned 'to see if defendant attends'. In one of these cases, that of Mary Ann McNally, the defendant subsequently attended for medical examination according to Dover Petty Sessions records and so, on 22 August 1881, the case against her was withdrawn. Of the thirteen women summoned before Dover magistrates during 1882 for CD Acts offences, the charges against eight were withdrawn because the defendant had attended for medical examination in the meantime.<sup>143</sup> Similarly, the case against Prudence Payton in Canterbury was adjourned for a week 'so that enquiries may be made into the truth of certain allegations as to her wish to abandon her evil courses and lead a virtuous life'.<sup>144</sup> Carrie Pardew of Sheerness was summoned before the magistrate in May 1878 but the case was dismissed because Carrie had attended for examination in the meantime. When she was brought back to court twelve months later, again for neglecting to submit to examination she

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<sup>142</sup> CKS Maidstone Petty Sessions, 22 July 1871.

<sup>143</sup> SEK Dover Petty Sessions, January-December 1882.

<sup>144</sup> *Kentish Gazette*, 19 July 1870.

pleaded guilty and was sentenced to the apparently token sentence of one day with hard labour.<sup>145</sup>

This local evidence relating to the outcomes of summonses before magistrates, which in so many cases resulted in the withdrawal of charges because the women had been examined in the meantime, does not support the LNA's thesis of widespread opposition to the measures of the Acts in principle. The timetable of the charges brought against Fanny de Vere of Maidstone, mentioned above, suggests that the measures of the Acts were not always applied in the draconian fashion that was alleged by repeal campaigners. Fanny was first brought before the bench on the 1 April 1871 by Inspector William Luscombe of the Metropolitan Police and an order made that she should attend for regular examination during the twelve months commencing 11 April. Seemingly Fanny did not meet that appointment, and so was brought back before the bench on 6 May, at which point the hearing was adjourned for one week. She returned on 13 May when the case was further adjourned, and again on 20 May when the court heard an application by Fanny to be relieved from examination. This being refused, Fanny was finally convicted and sentenced to fourteen days. After her release, Fanny was once again summoned before the bench on 24 June but this second charge was subsequently withdrawn, as has been seen, on 22 July.<sup>146</sup> The apparent laxity of this schedule substantiates the claim of Mr Fraser, chaplain to Maidstone Gaol that: 'The Acts are worked with great indulgence at Maidstone. The fortnightly examination is not strictly pressed.'<sup>147</sup>

There are a number of possible explanations for the consistently high levels of compliance with the medical examination on the part of suspected and registered

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<sup>145</sup> CKS Sheerness Police Court Register, 2 May 1878, 5 May 1879.

<sup>146</sup> CKS Maidstone Petty Sessions Minutes, 1 April -22 July 1871.

<sup>147</sup> 1871 Royal Commission, p. xiv, (Fraser).

prostitutes in Kent. These are a) that they complied because they feared imprisonment if they refused; b) that they were coerced, bullied or tricked into attendance; c) that they complied because they wished to avoid an appearance at the magistrates' court and d) that they attended voluntarily. This could have been because they were indifferent to the medical examination or because they saw it at worst as an occupational hazard, or because they perceived that there was a benefit to be had from co-operating. Of these possible explanations, the theory that women were compelled to undergo an examination that they feared and hated by means of the wholesale use of coercion and trickery was frequently articulated by abolitionists. This, together with the thesis that women were motivated by fear of imprisonment was highlighted in repeal literature. That they were motivated by a desire to avoid a public appearance at the magistrate's court has been argued by some historians of the Acts.<sup>148</sup> The fourth possibility, that women attended voluntarily for whatever reason conflicts with the historical consensus in respect of the Acts, specifically with regard to the received feminist view, because it challenges the thesis of 'the revolt of the women.'<sup>149</sup> This discussion therefore now turns to a detailed interrogation of each of these hypotheses.

## **Fear of Imprisonment**

In the light of the evidence of Chapter 3 relating to the routine control and regulation of prostitutes, the suggestion that the street prostitutes of Kent submitted to the mandatory medical examination out of a fear of imprisonment does not carry the weight of conviction. As has already been seen, in many districts numerous women experienced repeated prosecution for soliciting, loitering, being drunk or for minor public order

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<sup>148</sup> Walkowitz, *Prostitution and Victorian Society*, p. 237; Weeks, *Sex, Politics and Society*, p. 89.

<sup>149</sup> As was discussed on p. 248.

misdemeanours and custodial sentences at the county gaol appear to have been a routine feature of many street prostitutes' way of life. Indeed from the evidence available it would seem reasonable to conclude that imprisonment appears to have constituted a regular occupational hazard for some Kentish streetwalkers. Maria Gales of Sheerness for example, as was seen in Chapter 3, spent a total of twenty weeks out of fifty-two in 1872 in Maidstone Gaol whilst Emily Huntley, also of Sheerness, spent a total of fifteen months there out of the fifty month period from November 1874 to February 1879, on seven separate charges relating to prostitution.

In Gravesend where more prostitutes were consistently convicted under local policing than in any other location in Kent, a total of 710 prosecutions was dealt with under summary justice over an eighteen year period. During the seventeen months between September 1873 and January 1875, a period when Metropolitan Police records and local records both show that only five charges were brought against prostitutes for a breach of the CD legislation, thirty-five charges were brought against named prostitutes for alleged public order offences.<sup>150</sup> Similarly, Sheerness Police Court registers show that thirty-three women were awarded custodial sentences during the year 1876 for offences such as 'being a prostitute, rioting' or 'being a prostitute, wandering'. During the same period just one custodial sentence was imposed on a woman for neglecting to attend for medical examination. The court appearance and twenty-one days with hard labour sentence that Alice Robinson served on a charge related to the CD Acts constituted but a small proportion of her contact with the Sheerness Stipendiary Magistrate and the criminal justice system that year. She had already served five days in March and one month in April before the prosecution under the CD Acts, and was subsequently sentenced to two months in August, all of which were for 'being a

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<sup>150</sup> CKS Gravesend Petty Sessions Minutes, September 1873-January 1875; *Annual Report of Assistant Commissioner 1881*, p. 13.

prostitute, and riotous'.<sup>151</sup> Likewise, Lavinia Pearce was sentenced to fourteen days in 1871, the only woman to receive a custodial sentence in Sheerness that year for not attending for medical examination having previously signed the voluntary submission form. Lavinia had previously served eighteen days for 'wandering and behaving riotously'.<sup>152</sup> When an editorial in the *Shield* referred emotively to 'imprisonment for life with hard labour, in repeated doses from one to two months' as a means of emphasising the punitive regime of CD Acts, it did so seemingly unaware that this was already a routine feature of prostitutes' lifestyles in many Kentish locations, under a variety of regulatory statutory measures other than the CD legislation.<sup>153</sup>

Since Kentish streetwalkers already ran the continuous risk of arrest and imprisonment, it could be argued that had they been as opposed to the internal examination as contemporary repeal activists frequently alleged, they had little to lose by defying the law and serving the appropriate custodial sentence. It would seem unlikely that the prospect of one further period in custody could have constituted a serious deterrent to a woman such as Selina Boswell for example, who was arrested on five different occasions in eighteen months and sentenced to up to month in custody, or to Ellen Bannister who experienced three separate spells in the county gaol under routine policing in 1870 for soliciting and being drunk. If opposition and hostility to the internal examination were as widespread as is alleged one would expect there to have been a far higher number of summonses for non-compliance than was actually the case. There were none at all for offences against the CD Acts in Gravesend in 1870, which suggests that Ellen and Selina, together with the majority of other registered women in Gravesend all submitted to regular

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<sup>151</sup> The wording used in these convictions is taken from the surviving Sheerness Police Court Register, 1867-1879

<sup>152</sup> CKS Sheerness Police Court Register, 30 August 1870, 9 September 1871.

<sup>153</sup> *Shield*, 10 December 1870, p. 322.

examination as required that year. Fanny Pearce, one of only three Gravesend women to be summoned for non-compliance in 1873, was no stranger to the court when she was sentenced by Magistrates to fourteen days imprisonment with hard labour for neglecting to attend for medical examination.<sup>154</sup> Fanny had been prosecuted on seven previous occasions in both Gravesend and in Sheerness on charges of a variety of non-indictable offences and had served numerous custodial sentences including two of one month each, both for being a prostitute, wandering and behaving in a 'riotous' manner.<sup>155</sup> Mary Ann Ridley likewise, who served fourteen days for non-submission in 1873 had already experienced imprisonment more than once, and on one occasion served a sentence of three months. When fully contextualised in this way, the summonses of these women under the CD Acts appear to have represented not so much the exceptional trauma as they are sometimes described, but part of a much wider experience of sustained regulation and control, the majority of which was carried out with reference to other legislation. Moreover, the evidence relating to the serial imprisonment of women for public order offences such as drunkenness, as was discussed in chapter 3, suggests that custodial sentences did not necessarily represent a deterrent. Many women re-offended within a very short time of release.

Furthermore, as was discussed previously, many streetwalkers demonstrated a markedly nonchalant attitude to the prospect of imprisonment. The local evidence relating to the apparent indifference which many prostitutes, together with other women of the casual poor, appear to have responded to gaol sentences is in striking

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<sup>154</sup> *Gravesend and Dartford Reporter*, 15 July 1873.

<sup>155</sup> *Chatham New*, 18 Dec 1869, 9 July 1870; *Gravesend and Dartford Reporter*, 1 July, 30 September 1871, 24 May 1873; CKS Sheerness Police Court Register, December 1871, 6 February 1872.

contrast to the emotive way in which the imprisonment of prostitutes was portrayed in contemporary repeal literature. Josephine Butler described the imprisonment of prostitutes in Kent in terms of 'cells with grated windows and heavy doors where delicate girls are immured'.<sup>156</sup>

Taken in context therefore, fear of imprisonment alone seems an unlikely motive for wide-scale co-operation with the system. Whilst repeal activist Frederick Wheeler claimed that 'Hundreds of terrified girls have signed this crafty form under the threat and terror of imprisonment' he was unable to substantiate the claim. He published the allegation in a leaflet called *An Authenticated and Shocking Illustration of the Working of the Contagious Diseases Acts* that was widely distributed, but when challenged to provide evidence to support his claim by members of the 1882 Parliamentary Select Committee Wheeler was forced to admit that he did not have such evidence and that in fact, he could cite only one case rather than one hundred.<sup>157</sup> It was elicited from him that the statement had been repeated in reprints of the leaflet that had been distributed freely between 1876 and 1882, by which time the allegation had become a central piece of received wisdom in the repeal discourse.<sup>158</sup>

## Avoidance of Public Appearance at the Magistrate's Court

The suggestion that large numbers of prostitutes underwent the alleged ordeal of medical examination in order to avoid a public appearance at the magistrate's court would equally seem to be not sustained. Walkowitz and Weeks have both argued

<sup>156</sup> 'The Garrison Towns of Kent', *Shield*, April-May 1870, quoted in Jane Jordan, *Josephine Butler*, (London, John Murray, 2001), p. 116.

<sup>157</sup> That of Caroline Wybrow, discussed earlier in this chapter.

<sup>158</sup> Select Committee 1882, p. 175.

that public identification as 'common prostitute' both caused humiliation for women who had previously been able to live undifferentiated amongst the ranks of the respectable poor, and also put an end to the fluidity with which women had previously been able to resort to prostitution on a temporary basis in times of extreme hardship.<sup>159</sup> Yet as was seen previously, the evidence clearly demonstrates that the overwhelming majority of appearances before magistrates made by working prostitutes in the ports, dockyards and garrisons of Kent were in connection with legislation other than the CD Acts. When an identified prostitute was brought before magistrates her occupation was routinely given in court, however unrelated it may have been to the alleged offence, and this was invariably mentioned if the case was reported in the press.

Prostitutes were publicly identified as such when charged with offences not immediately related to their occupation or to the CD Acts, such as petty theft, drunkenness or petty vandalism. A cross-referencing exercise between local Police Court records and newspaper reports for Sheerness reveals that in every case brought before the stipendiary magistrate during the year 1870 in which a known prostitute was charged with a minor public order offence, the woman's occupation was mentioned in court and that this was repeated in the subsequent press report. The Police Court Register entry for 1 February for example, notes that Julia Gorman was 'convicted of being an idle and disorderly person, in that she, at Sheerness on 29 January 1870 then being a prostitute wandering in High Street Blue Town, did behave in a riotous manner'. The report of this incident carried by the *Sheerness Times and General Advertiser* a couple of days later notes that Julia Gorman was

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<sup>159</sup> Walkowitz, *Prostitution and Victorian Society*, p. 89; Weeks, *Sex, Politics and Society*, p. 237.

convicted of ‘wandering abroad and behaving in a riotous manner, *she being a prostitute*’ (my italics). Clearly the press reporter’s phraseology is almost exactly the same as that used by the clerk to record the case in the official minutes, indicating that he was repeating the wording that was actually used in the public court-room.<sup>160</sup> Prostitutes were publicly identified as such even during the hearing of cases in which they were the prosecutor rather than the defendant. Thus when Thomas Simmonds for example, was charged with stealing money from Charlotte Smith, the local newspaper reported the case describing Charlotte euphemistically as a ‘nymph of the pave’, albeit that she was the prosecutor in the case.<sup>161</sup>

By contrast, the hearing of cases before magistrates for offences related to the CD Acts was often heard in private with press reporters refused entry. This was done in accordance with the provisions of the law and allegedly done to protect the woman’s privacy. In theory the woman had the right to request the admittance of the press. It was in fact repeal campaigners who argued the case for public trials, as evidenced by an exchange of views on the subject in the columns of the *Maidstone Telegraph*. An un-named female correspondent, evidently with repeal sympathies and signing herself ‘mother of a family’, wrote to request that the editor ‘diffuse the information that the class of women brought before them (the magistrates) *have a right to demand a public trial*, (original italics) and that any one of them can be provided with counsel free of cost.<sup>162</sup> No evidence has been found to indicate that when the same prostitutes faced repeated conviction and custodial sentencing for

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<sup>160</sup> CKS Sheerness Police Court Register, 29 January 1870; *Sheerness Times and General Advertiser*, 1 February 1870.

<sup>161</sup> *Maidstone Telegraph and West Kent Messenger*, 15 January 1870.

<sup>162</sup> *Ibid.*, 28 May, 11 June 1870.

‘wandering’, ‘obstructing the path’, soliciting and the broad range of charges discussed in Chapter 3, they received any comparable offer of free counsel.

## Coercion and Trickery

The charges made by repeal activists that lies, bullying and trickery on the part of police officers were routinely used to intimidate women into submitting to medical examination and to sign the Voluntary Submission Form are difficult to refute, since by definition these alleged incidents were, on most occasions, a case of one person’s word against that of another. The lawyer engaged by repeal activists to defend prostitutes in Canterbury against charges of non-compliance told magistrates that the women to whom the CD Acts were applied were ‘of a very ignorant class and that they signed the voluntary submission form without knowing what it said’.<sup>163</sup> In a similar vein, Canterbury repeal activist Ann Heritage claimed that prostitutes had no idea what was meant by ‘examination’ when they signed the voluntary submission form. She told the 1871 Royal Commission that ‘they thought the doctor would ask them a few questions. They did not know what they signed’, though this assertion is somewhat undermined by her subsequent claim that men would ‘loiter about the examination place and women would show them their papers and boast of being free’.<sup>164</sup>

Allegations of outright bullying rather than trickery were also made by pro-repealers, such as in the Dover case of Eliza Jane Southey, which has already been mentioned. In 1882 Southey refused to sign a voluntary submission form and in the subsequent court case it was alleged that one of the CD Acts police officers had told

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<sup>163</sup> *Kentish Gazette*, 26 April 1870.

<sup>164</sup> 1871 Royal Commission, p. lix.

her 'that she must go, or she would have to go before the magistrates.'<sup>165</sup> Pro-repeal Alderman Rowland Rees was one of the presiding magistrates at the hearing of the case and Southey was defended by a barrister member of the NA. Between the two of them, according to McHugh, 'the police were pressed savagely and were forced to admit serving an illegal order on the woman to bluff her into submission.'<sup>166</sup> The inference in each of the preceding examples is that the police officers responsible for persuading the women to sign the voluntary submission form had been negligent in their duty in respect of the requirement that the form should 'be read over and explained to her, as well as the means by which she may be relieved from the periodical inspection.'<sup>167</sup> F.B. Smith however, has argued that 'The Antis repeatedly asserted that the women were coerced into signing the submission to examination form, but they never produced any evidence.'<sup>168</sup>

Whilst coercion or trickery might have been used on occasion to compel women to attend medical examination (though given the evidence that was discussed in Chapter 2 relating to prostitution as a female sub-culture it seems difficult to believe that the prostitutes would not have discussed the CD Acts amongst themselves) they cannot explain the consistently high rates of regular attendance for medical examination that are revealed by the statistics. Clearly a woman might be successfully tricked, bullied or coerced into signing a form once but not into attending fortnightly for examination. Some pro-repeal activists believed that in addition to police officers, brothel-keepers 'who wish to stand well with the authorities' were responsible for 'urging' prostitutes to attend for examination.<sup>169</sup>

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<sup>165</sup> Select Committee 1882, p. 446.

<sup>166</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 148.

<sup>167</sup> Select Committee 1881, p. 697.

<sup>168</sup> Smith, 'Contagious Diseases Acts Reconsidered', p. 203.

<sup>169</sup> 1871 Royal Commission, p. lix.

However, this allegation appears to carry little weight since brothel keepers had much to lose by attracting the attention of the authorities to the activities carried out in their houses. Although they were liable to prosecution if they allowed diseased women to practise prostitution on their premises, they were not liable if a woman simply neglected to attend for examination – the prostitute herself, as has been discussed, was liable to summons.

### **Advantages of the Acts**

The final possibility is that many registered prostitutes complied with the requirement for medical examination either because they were indifferent to it, or because it represented for them, in the context of the rest of their lives, less an exceptional trauma than one further hurdle to be negotiated in the pursuance of opportunistic survival strategies, such as were discussed in Chapter 2. Some others appear to have actively welcomed the Acts for a combination of reasons and there is some evidence that this group complied because they perceived that there was a material advantage to be had in doing so.

The legislation provided for free medical treatment and furthermore prostitutes' earning capacity was enhanced by the infection-free status it conferred. Moreover, the law bestowed a measure of legitimacy on the occupation of women who had hitherto been regarded as part of the criminal classes. The *Shield* in December 1871 commented regrettably that prostitutes leaving the examination room at Canterbury had been heard to comment in relation to the examining surgeon that 'he is our servant, paid to wait upon us...Government pays them to wait upon us!' which lends weight to the hypothesis that some prostitutes felt that their lifestyle

was legitimated by the Acts.<sup>170</sup> Michael Pearson has observed that 'Not all the women in the troop towns objected to the new system. To the disgust of Josephine and her campaigners, some of the prostitutes welcomed it. 'They call themselves "Queen's Women",' she reported angrily. 'They walk in silks and satins and assume an arrogant manner. When warned of the sin in which they are living by one of the National Association agents, they answer: 'Oh, it's quite different now. We don't need to be ashamed''''.<sup>171</sup>

This interpretation is supported by anecdotal evidence from a number of different contemporary sources. The Inspector of Certified Hospitals for example, believed that 'Before the Acts were enforced they felt themselves to be outcasts from society; since the Acts have been applied they have acquired a sense of individuality before unknown to them.'<sup>172</sup> In a similar vein, Mr Krause, the missionary in Woolwich, claimed that prostitutes in his district called themselves 'Government girls', and considered themselves a 'privileged class'. 'They say the government ought to take care of them when they are ill and not suffer them to go on the parish.'<sup>173</sup> This testimony substantiates the hypothesis that some prostitutes positively welcomed the Contagious Diseases legislation for the very same reasons that the LNA opposed it. It legitimated the status of prostitutes and conferred on them a novel sense of respectability. The LNA dismissed the evidence that some prostitutes responded positively to the Acts as a sign of deviance: 'This is simply another illustration of the fact that the more degraded of these women have learned

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<sup>170</sup> *Shield*, 2 December 1871.

<sup>171</sup> Michael Pearson, *The Age of Consent: Victorian Prostitution and its Enemies* (Newton Abbott: David & Charles, 1972), p. 65.

<sup>172</sup> Report to the War Office by Inspector of Certified Hospitals on Moral Effects of Contagious Diseases Acts PP 1873 (209) XL.433, p. 3.

<sup>173</sup> 1871 Royal Commission, p. liii.

to regard themselves as under the paternal care of the government as “Queen’s Women” even as soldiers are “Queen’s Men”.<sup>174</sup>

Aside from the testimony of contemporary observers in the subjected districts, many of whom, as has been seen, were strongly partisan, the nearest evidence that remains of prostitutes’ own attitudes to the CD Acts consists of the eleven petitions presented to Parliament in favour of the retention of the Acts signed by prostitutes in the subjected districts between 1871 and 1881.<sup>175</sup> It is not known whether any of the petitions originated in Kent, though one is known to have originated in Windsor and another, presented in 1872, was signed by forty-eight prostitutes in Colchester, Essex. This was to the effect that ‘the total repeal of the Acts would be a great calamity to themselves, and that it would be a terrible misfortune to the country at large’.<sup>176</sup> The petitions carried the signatures of a total of 1,233 so-called ‘Fallen Women’, which figure compares with the 1,020 average number of women registered at all stations during the same period.<sup>177</sup> These petitions have been called ‘The most original use of femininity in the defence of the Acts’ and they were roundly denounced in the pages of the *Shield*, their authenticity being called into question.<sup>178</sup> In response, John Henry Strange, overseer of Clewer parish near Windsor, site of a penitentiary for fallen women, wrote a letter to the *Shield* strongly refuting the accusation that one petition was a fake and attesting to its authenticity.<sup>179</sup>

There is, additionally, substantial anecdotal evidence to support the hypothesis that some registered prostitutes used the infection-free status bestowed

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<sup>174</sup> *Shield*, 2 December 1871.

<sup>175</sup> Select Committee 1882, Appendix No. 4, p. 598, 438.

<sup>176</sup> Select Committee 1882, p. 438.

<sup>177</sup> Ibid., Appendix No. 4, p. 598; Statistics calculated from *Annual Report of Assistant Commissioner 1881*, pp. 9-13.

<sup>178</sup> Taithe, *From Danger to Scandal*, p. 83.

<sup>179</sup> *Shield*, 20 July 1972, p. 1012.

upon them by the operation of the law, specifically the regular medical examination, as a marketing tool. Edward Swales, examining surgeon at Sheerness for example, told the 1866 Parliamentary select committee that: 'I have often thought that they might use it (the medical certificate) as a clean bill of health'.<sup>180</sup> Similarly Richard Hanson, Army Scripture Reader at Woolwich, reported that he had heard women calling out to each other after the examination "I am alright today; I am clean today".<sup>181</sup> Likewise Sarah Guest, Gravesend repeal supporter, observed the same effect at work in that town. 'Young women', she complained, 'with fine hats and gaudy feathers, flaunt up to every young man they meet, declaring the testimony of the medical examiner as reason why he may with impunity become the companion of a harlot'.<sup>182</sup> Josephine Butler herself reported to have observed prostitutes in a public house in Chatham with their medical certificates pinned to their dresses by way of advertising their healthy status. 'The piece of paper signed by the surgeon, which each woman receives on leaving the examination house, is indeed a prize to a shameless woman'.<sup>183</sup>

Evidence suggests that one consequence of the operation of the CD Acts was that infection-free registered women acquired a larger share of the prostitution market. Metropolitan Police statistics demonstrate that, following an initial increase, numbers of registered prostitutes in the subjected districts declined over the lifetime of the Acts as a result of prostitutes leaving the district, becoming hospitalised or abandoning prostitution as a way of life. In the absence of any evidence that the market for prostitution contracted accordingly, it must be concluded that the women who remained and were declared to be free from infection did more business and therefore made a

<sup>180</sup> Select Committee 1866, p. 36.

<sup>181</sup> Select Committee 1882, p. 375.

<sup>182</sup> *Shield*, 2 May 1870, p. 72.

<sup>183</sup> *Ibid.*, p. 71.

better living as a result. William Krause, town missionary with twelve years experience in Woolwich gave evidence to this effect, saying that registered women had no need to solicit on the streets and claimed: 'I have heard of one woman who would boast that she had twenty four men in one night, and she boasted of this number in the open street'.<sup>184</sup>

Many contemporary observers in the subjected districts testified that prostitutes seemed better groomed and dressed since the introduction of the Acts, thus suggesting an improved standard of living. One such was Frederick Wheeler of Chatham who attested to the fact that 'they have more money and better dress.'<sup>185</sup> Clearly therefore, some prostitutes appear to have taken advantage of the material benefits to be had by conforming with the requirements of the CD Acts in the pursuit of individual survival strategies.

This effect is also revealed by evidence relating to the negative financial impact on registered prostitutes once the Acts were finally suspended. McHugh, quoting from the pro-repeal *National League Journal*, has observed that: 'suspension had removed one of the props of the prostitute's trade – the illusion of safety for the client ...girls were having to sack children who acted as servants, they were pawning clothes, selling fruit, could not afford to pay for drink'.<sup>186</sup>

## Hospitalisation

Mandatory hospitalisation in a government-certified lock hospital was an integral component of the CD Acts' medical surveillance system and, as has been seen,

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<sup>184</sup> Select Committee 1881, p. 597.

<sup>185</sup> Select Committee 1882, p. 162.

<sup>186</sup> McHugh, *Prostitution and Victorian Social Reform*, p. 153.

under the 1869 Act women could be detained for up to nine months. The coercive nature of this medical regime earned the condemnation of abolitionists, such that Chatham repeal activist Annie Young spoke of 'how completely a government lock hospital resembles a prison.'<sup>187</sup> The Chatham Lock Hospital was purpose-built to accommodate 100 patients at a total cost to central government of around £10,000 and opened its doors in 1870, for the treatment of women from the subjected districts of Chatham, Sheerness, Maidstone and Gravesend.<sup>188</sup> By March of that year forty women were undergoing treatment. Previously, lock patients from these towns had been treated in a separate ward of St. Bartholomew's Hospital as had voluntary patients prior to the passing of the first CD Act. With the enactment of the new legislation, the medical care of lock patients became funded by central government at the rate of thirty shillings per year per patient rather than from local resources.<sup>189</sup> The lock hospital was the site of numerous incidents of vandalism perpetrated by patients, as had previously also been the case at the lock ward at St. Bartholomew's. These were seized upon by repeal supporters as evidence in their campaign against the Acts to argue the case that the hospital regime under the CD Acts was brutal and repressive, and by association, that the inmates objected in principle to the Acts. The account of one such incident, the 1870 prosecution of Harriet Beasley, Rhoda Cooper, Elizabeth Cripps and Elizabeth Taylor was reproduced in detail in the pages of the *Shield* from the *Chatham News*. One of the women had decided that she ought to be discharged but the doctor thought otherwise so the four broke twenty-six panes of glass in protest, to which they pleaded guilty and earned custodial sentences of two months each.<sup>190</sup>

<sup>187</sup> *Shield*, March 1871, cited in Joyce, *Chatham Scandal*, p. 82.

<sup>188</sup> Joyce, *Chatham Scandal*, p. 79.

<sup>189</sup> *Chatham News*, 12 May 1866.

<sup>190</sup> *Shield*, 9 May 1870, p.75; *Chatham News*, 26 March 1870.

Local sources offer a somewhat different perspective of these acts of vandalism from that reproduced in the *Shield*, and allow them to be examined over time. The incidents generally consisted of breaking hospital windows, and occurrences were already common by 1865. Interestingly, most women pleaded guilty and many apologised to the bench on being convicted, which does not support the suggestion that they were protesting against the Acts as a matter of principle. The *Chatham News* usually reported the incidents of vandalism and out of a total of seventeen reports of incidents published between 1865 and 1870, no case has been discovered in which the action was attributed to a protest against the CD Acts per se. There are no reports of any convicted prostitute having complained of the unfairness of the Acts, or of resenting the regime it introduced. Generally, it would seem that most of the protesting women cited boredom or a difference of opinion with the doctor as to whether they were cured as reasons why they had carried out acts of vandalism. Fanny Goldsmith and Anne Crockford, for example, who pleaded guilty to breaking six panes of glass in February 1867, complained of dullness and said that they had protested because their confinement 'is very irksome' and because they needed amusement. 'something to relieve the tedium.'<sup>191</sup> Hospital trustees informed the court that patients had draught boards, dominos and a recreation ground, and that if they worked at shirt making they could keep their earnings. According to a trustee representative, patients did not like the confinement and 'committed these outrages in the hope of sooner being set at liberty.' When Sarah Clarke and Sarah Boozer were convicted of breaking windows it emerged in court that they had inflicted the damage by throwing a bible and a prayer book suggesting maybe that they were also protesting against the mandatory religious regime at the hospital.<sup>192</sup>

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<sup>191</sup> *Chatham News* 2 February 1867.

<sup>192</sup> *Ibid.*, 13 April 1867.

Other cases suggest that some hospitalised prostitutes were prepared to co-operate with medical intervention in the first instance because they perceived that there was a benefit to be had, but because they were ignorant of the course that their illness took they believed themselves cured sooner than did their practitioners.

Emma Epps and Louisa Usher for example broke nine panes of glass because they 'considered themselves fully recovered' and Matilda Anderson four panes 'because she thought she had been in the hospital long enough'.<sup>193</sup> Mary Ann Turner, who broke two panes of glass, said it was because she had wished to be discharged from hospital but the Medical Officer had not agreed.<sup>194</sup> These women's cases suggest that, their primary sores having been cured, they believed themselves free from infection. Enterprising Lydia Litchfield adopted a less violent strategy in order to secure her early departure from the lock ward. She simply falsified her medical records by forging the doctor's signature.<sup>195</sup>

Fanny Smith and Sarah Cooper broke four panes of glass and said it was because they did not get enough to eat.<sup>196</sup> In an unusual case, prostitute Jane Patterson applied to the receiving house, a house where evidently prostitutes were taken prior to admittance to St. Bartholemew's Hospital lock ward, voluntarily wishing to be admitted. After the doctor examined her and certified that she was fit to be admitted, she then had, according to the press report, a 'sudden fit of petulance or madness' and smashed five panes of glass.<sup>197</sup>

Eventually, with hospital trustees growing increasingly frustrated with the wave of vandalism, the court hearing of the case against Kate Parr revealed the

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<sup>193</sup> *Chatham News*, 30 March, 13 April 1867.

<sup>194</sup> *Ibid.*, 21 April 1866.

<sup>195</sup> *Ibid.*, 2 March 1867.

<sup>196</sup> *Ibid.*, 28 April 1866.

<sup>197</sup> *Ibid.*, 15 December 1866.

loophole in the system that had been exploited by the hospitalised patients. Kate told the bench that she had been told by fellow patients that breaking windows ensured an earlier release from hospital.<sup>198</sup> The usual practice was that hospital patients convicted of crimes of vandalism were sent to the county gaol at Maidstone to serve a fixed term custodial sentence. It transpired, upon investigation, that there had been a lack of communication between the gaol and the administrators of the hospital, supporting what Walkowitz has said about the cumbersome machinery of the CD legislation.<sup>199</sup> Instead of returning the women to hospital to resume treatment on the completion of their fixed term sentence, the prison authorities had been releasing them, in the same way as with other prisoners. Therefore, whereas women hospitalised for venereal disease were required to remain until declared free from disease by the medical officer which could be several months if not longer (to a maximum of nine months), fixed term gaol sentences were generally no longer than six or eight weeks. Therefore, a custodial sentence was in most cases of a far shorter duration than the average period of hospitalisation of venereal disease cases. A gaol sentence was therefore a guaranteed means of securing an earlier release date. When the loophole was discovered the Chatham bench accordingly sent a communication to the governor of the county gaol drawing his attention to the section of the Act of Parliament that specified that prisoners committed from the lock hospital should be sent back on completion of their sentences. Lillie Stark and Sarah Maynard, who were found guilty of the offence in 1869, may have been a little surprised when the hospital doctor exploited another loophole. He appealed against their one-month

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<sup>198</sup> Ibid.

<sup>199</sup> Walkowitz, *Prostitution and Victorian Society*, p. 2.

sentence and got it reduced to three weeks so that the women could be returned to hospital sooner in order to recommence their medical treatment.<sup>200</sup>

There is evidence that some prostitutes perceived a benefit to be had from the government lock hospital in Chatham, where healthcare was provided free of charge under the Acts. Chatham repeal activist Frederick Wheeler told a Parliamentary Select Committee that many prostitutes believed the hospital to be a good thing, testimony that is all the more persuasive given his pro-repeal sympathies. On one occasion Wheeler was accosted in the street by a group of prostitutes, one of whom had shouted 'That is the old ----- that wants to shut up the hospital' whereupon one of her companions called out after him 'If you shut up that hospital I hope you will drop down dead'.<sup>201</sup> Josephine Butler herself is reported to have witnessed prostitutes at Dover leaving the Lock Hospital 'welcomed by a cheering crowd of friends and customers'.<sup>202</sup>

## Conclusion

This chapter has argued for a revision of the received view of the Contagious Diseases Acts in the light of evidence from Kent suggesting that the impact of the Acts on working prostitutes differs from that presented in much of the literature. On the whole, the policing of the Acts in Kent was not carried out with excessive brutality but on the contrary was carried out by a small number of officers who had heavy work-loads, operated in collaboration with their colleagues in local police forces and in some areas even appear to have established amicable relations with some of the women they regulated. When compared with the regulatory regimes

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<sup>200</sup> *Chatham News*, 23 January 1869.

<sup>201</sup> Select Committee 1882, p. 153.

experienced by prostitutes under other legislation and by local police forces, as was seen in Chapter 3, the CD Acts appear to have had less impact than is generally recognised. Furthermore, evidence reveals a substantial degree of co-operation with the law on the part of many working prostitutes, suggesting that levels of defiance and disobedience have been overstated. These findings enable a challenge to be made to the standard reading of the Acts, which is based on Walkowitz's study of Plymouth and Southampton.

Historians' interpretations of the response of working prostitutes to the CD Acts have, with few exceptions, adopted a similar position to contemporary repeal activists and particularly the LNA, and have equated compliance with repression and victimisation. The assumption is made, in the context of the feminist 'agent or victim?' debate, that 'agency' was necessarily expressed by acts of disobedience and resistance. It is a central argument of this thesis however that an alternative reading is equally valid. It was demonstrated in Chapter 2 that the street prostitutes of Kent were not a homogenous group and responses to the CD legislation appear to have been governed by the circumstances of the individual. Many of the prostitutes identified by this study appear to have been women of the labouring poor who lived on their wits, employing opportunistic survival strategies in order to subsist. In this context, the interpretation of the extensive co-operation with the CD Acts on the part of Kentish prostitutes that is revealed by this study as an expression of agency and self-determination rather than of repression and victimisation is equally valid. Clearly, if it is possible to read a woman's initial move into prostitution as a sign of autonomy, as Walkowitz has done, as a

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<sup>202</sup> Taithe, *From Danger to Scandal*, p.180.

‘rational choice, given the set of unpleasant alternatives’, then precisely the same argument must hold true for compliance with the CD Acts.<sup>203</sup>

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<sup>203</sup> Walkowitz and Walkowitz, ‘We are not Beasts of the Field’, p. 74.

## 6: Conclusion

This study began by questioning whether there is any justification for another addition to the already large body of scholarship on the subject of nineteenth-century prostitution. The Kentish evidence presented here suggests that the received view of the regulation of nineteenth-century prostitution, according to which the CD Acts represented a uniquely repressive regulatory apparatus, is flawed and now warrants further examination. This received view has been deeply influenced by the situation in Southampton and Devonport as revealed by Judith Walkowitz and has come to represent the history of prostitution in the period. This study of Kent has offered an alternative interpretation, one that sees the CD Acts less as an exceptional mechanism of repression than part of a much broader framework of regulation and control that was brought to bear not only on street prostitutes but also on the wider mass of casual poor. Moreover, this study offers an alternative reading of the 'story of women's resistance to the dominant forces of society', one that locates prostitutes' submission to compulsory medical examination within the broader narrative of the strategies developed by the poor to negotiate with society's power structures for their own ends.<sup>1</sup>

It is clear that even in the districts to which they applied, the CD Acts did not dominate prostitutes' lives and working conditions, nor did they constitute the sum total of their experience of regulation. This account of Kentish prostitution in the third quarter of the nineteenth century has therefore taken as its starting point the women themselves and their experience of regulation exclusive of the CD Acts. The women

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<sup>1</sup> Walkowitz, *Prostitution and Victorian Society*, p. vii.

identified by this study operated at the lower end of the prostitution market, plying for trade in the street and in public houses. Their lives were largely characterised by poverty and privation. Cramped, squalid living conditions together with drunkenness, disease and violence appear to have been everyday facts of life for many. However, whilst they were undoubtedly the victims of socio-economic circumstances and of official policy, many of these women appear to have developed a degree of independence and of autonomy, as demonstrated by the pursuit of individual survival strategies and by decisions made about their own life-course albeit that this was from a restricted set of alternatives.

Despite these broad generalisations however, this study has uncovered a greater degree of heterogeneity amongst Kentish prostitutes than is generally recognised, a finding that has significant implications for discussions of individual women's responses to the CD Acts' regulatory regime. In terms of age, total length of time spent on the street, degree of entrenchment into prostitution and ultimate personal outcomes the prostitutes identified by this investigation represent the complete spectrum of circumstances. Individual responses to the regulatory regimes introduced under the Acts are therefore likely to have been varied and dictated by individual personal circumstances. This interpretation explains the broad spectrum of response to the Acts on the part of working prostitutes reported by contemporary observers and poses a challenge to Walkowitz's thesis of a widespread 'revolt of the women'.<sup>2</sup>

Besides the range of privations outlined, street prostitutes were exposed in many Kentish locations to repressive regimes of regulation and control at the hands of a local judiciary that was eager to keep the streets free and passable in line with raised expectations of public order and respectability. The local evidence suggests that the

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<sup>2</sup> Walkowitz, *Prostitution and Victorian Society*, p. 1.

thesis of lax policing of prostitution outside of the CD Acts is in need of some reconsideration.<sup>3</sup> It is a matter of some irony to note that this thesis, first promulgated by contemporary supporters of the Acts to argue for their retention, has been taken up more recently by historians who are critical of the legislation in order to emphasise the excessive harshness of the regime they introduced.<sup>4</sup> Yet for prostitutes in many Kentish locations routine policing appears to have consistently represented a greater and more punitive hazard than the operation of the CD Acts, both before they were introduced and during the time they were on the statute book. Furthermore, this study has argued that the suppression of prostitution forms part of the wider framework of regulation and control of the behaviour of the casual poor, which was enforced more rigorously in line with the establishment of the ‘new’ police from the second quarter of the nineteenth century onwards. Indeed for many street prostitutes in Kent periodic arrest, conviction and custodial sentences in the county gaol appear to have represented a regular and frequent occupational hazard. The women identified by this study appear to have demonstrated a variety of responses to these regimes of regulation and control, from public defiance and bravado to co-operation for personal advantage.

Further light is cast on the relationship between prostitutes and the local police when viewed from street-level and in the context of the communities in which both lived and worked. From this perspective it is clear that in Gravesend, the subject of a local case study, the members of the local police force were locally born, lived amongst the communities they policed, frequently achieved long service records and developed local connections and networks. They often came from similar backgrounds to the women who took to prostitution and sometimes had grown up in the same

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<sup>3</sup> See for example, the evidence of Adam Stigant, Select Committee 1881, p. 256.

<sup>4</sup> Sigsworth and Wyke, ‘A Study of Victorian Prostitution’, p. 87.

neighbourhoods. These findings contribute towards a deeper understanding of the issue of mistaken identity, the risk of which was greatly exaggerated in the contemporary anti-CD Acts discourse. The moral and religious positions adopted by many repeal campaigners meant that they were faced with the difficult task of opposing the CD Acts without being seen to defend prostitution. By laying emphasis on the apparent risk posed to so-called 'innocent' women the dilemma was avoided and this strategy was mirrored in the wider anti-Acts discourse. The experience and community knowledge of members of one local police force as uncovered by this study however, when combined with evidence of co-operation between CD Acts police and local forces, suggests that the risk of mistaken identity has been overstated.

Finally, this study builds upon the challenge first made to the received view of the CD Acts in 1990 by F.B. Smith in an investigation of the impact of the CD Acts in Kent. The evidence reveals a substantially different picture from that pertaining in the south coast ports, since on the whole levels of resistance to the Acts in Kent were low and most women appear to have complied with the regulations with little protest. The demonstrations of disobedience witnessed in Devonport and Southampton, largely stimulated as they were by repeal activism, were not mirrored in the majority of Kentish stations. The collaboration between middle-class female activists and working prostitutes as witnessed in the south and southwest constitutes a significant episode in the history of women's emancipation and for this reason may have exerted an unintended disproportionate influence on the historical record. Feminist interpretations of the past, which emphasise the active roles played by women in their own histories, gained currency as part of a history of women's victory over gender exploitation and sexual repression. Such approaches have therefore interpreted resistance to the CD Acts on the part of prostitutes as demonstrations of women's agency, as exemplified by Walkowitz's interpretation of the revolt of prostitutes in Plymouth and Southampton. It

is a central argument of this study however that an alternative interpretation of women's agency is possible, one that was realised not through dramatic demonstrations of non-cooperation but through endurance, recourse to the criminal justice and social welfare systems in times of personal crisis and the development of networks to subvert these systems where necessary. In this context, compliance with the CD Acts regulatory regime in the pursuance of individual survival strategies and personal advantage represents an equally valid interpretation of agency. It has been seen that the street prostitutes of Kent were not, on the whole, passive victims of the wide range of mechanisms introduced to reform and regulate their behaviour. However, resistance to the CD Acts alone is not a good measure of agency because it was so heavily orchestrated by middle-class repeal activists.

The extent and scope of the regulation of prostitution before and alongside the CD Acts, though largely ignored in the historical literature, has recently taken on a renewed significance in the light of fresh debate over whether prostitution should be made subject to legislation. A number of the themes central to this study have thus been reintroduced into current public discourse and official policy-making, underlining the importance of the historical perspective. The British government's policy document *A Coordinated Prostitution Strategy* published in January 2006 for example, called for 'a more proactive policing approach to address cases of exploitation'.<sup>5</sup> This document proposed the increased regulation of prostitution, the criminalisation of prostitutes' clients and placed an emphasis on helping women to leave the lifestyle. It employed a discourse of victimisation, talking in terms of 'violence and exploitation, and the misery from serious drug misuse experienced by the majority of those involved'.<sup>6</sup> In launching the document Home Office minister Fiona Mactaggart stated that 'we must

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<sup>5</sup> *A Coordinated Prostitution Strategy*, p. 37.

<sup>6</sup> *Ibid.*, p. 13.

not condone this exploitative industry', thus reviving the long-standing debate about the regulation of prostitution.<sup>7</sup>

Reaction to the government's proposals ranged widely. Joan Smith, writing in the *Independent* newspaper, made the comparison with the 1860s and represented liberal and feminist opinion in observing that 'misogyny is the theory, paying for sex the practice'.<sup>8</sup> The *Rights of Women* organisation similarly welcomed the government's initiative and its acknowledgement that 'prostitution is a form of exploitation requiring a wide-ranging co-ordinated approach'.<sup>9</sup> The Scottish Prostitutes' Education Project by contrast responded by asserting that 'Banning the buying of sex on the grounds that prostitution is violence towards women, is invalid – this is fundamentalist feminist propaganda and untrue'.<sup>10</sup> The English Collective of Prostitutes, arguing for decriminalisation in the best interests of the health and safety of working prostitutes, argued for the freedom for women to make choices regarding their own sexuality.<sup>11</sup>

In many respects these opposing view-points echo the arguments of the protagonists in the debates surrounding the CD Acts with one significant exception. The twenty-first-century prostitute is given a voice by workers' collectives and this is widely disseminated through the media. The voice of the nineteenth-century prostitute, by contrast, remains silent. We may never know how the women who have been the focus of this study experienced the various regimes of regulation brought to bear on them since what little record survives has for the most part been mediated through the voice of partisan repeal activists and via the wealth of

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<sup>7</sup> 'Government says No to Managed Prostitution Zones: More Support for Women to Leave Prostitution Coupled with Action against Kerb-Crawlers', (Press Release: Home Office, 17 January 2006).

<sup>8</sup> 'Prostitutes are Victims not Criminals', *Independent*, 13 April 2007, Opinion.

<sup>9</sup> 'The Coordinated Prostitution Strategy', *Focus on Women* 4 (2006) p. 4  
<<http://www.row.org.uk>>[accessed 15 August 2008].

<sup>10</sup> '33 Reasons why the Clients of Sex Workers should not be Criminalised' <<http://www.scot-cep.org.uk>>[accessed 31 July 2008].

<sup>11</sup> *Observer*, 15 January 2006, p. 16.

documentary evidence generated by the abolition campaign. The ultimate success of the campaign for the repeal of the Contagious Diseases Acts, albeit that this was achieved only after what has been described as a ‘long and often demoralising slog’, secured for the movement a deep and lasting influence on the historical view.<sup>12</sup> The movement left behind it by way of legacy a wealth of evidential material that has provided rich pickings for scholars, thus ensuring a permanent place for the voice of repeal activism in the records and for narratives of the CD Acts in the history of prostitution in the period.

This study has attempted to take a broader and more balanced view, one that has considered the material conditions amidst which women lived, practised prostitution and experienced regimes of regulation and control independent of the CD Acts. Taken together with data that clearly demonstrates that the majority of prostitutes in Kent complied with the CD Acts system, the results of these investigations suggest that for many women the legislation represented, at worst, an occupational hazard and one further obstacle to be negotiated in the struggle to eke out a living at the margins of society. Whilst undoubtedly some women’s compliance represented the line of least resistance, for others cooperation with the system appears to have constituted a rational choice. This study does not seek to argue that the Contagious Diseases Acts were not deeply misogynistic, nor that they constituted anything other than a profound violation of prostitutes’ personal and civil liberties. Rather, it has been concerned with the attempt, as far as is possible, to extricate prostitutes’ experience of the CD Acts from the mediation of the repeal activists who claimed to speak for them.

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<sup>12</sup> Joyce, *Chatham Scandal*, p. 112.

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